

THE SHE-TUGHLAQ OF INDIA

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SHIV LAL

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THE SHE-TUGHLAQ OF INDIA

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Preface

There are numerous books on the Emergency. Mine is entirely different. I have viewed the problem as a historical culmination of factors inherent in our body politic. One of these factors is the corruption, in general. The other is the inbuilt incentive to corruption in our politics and economy. To cite an example, the office of Prime Minister has been rendered an unassailable position not merely by virtue of the popularity of the man holding this office, but by the strength of the Constitution which empowers him to choose his Cabinet from among the elected representatives. These representatives do not speak for their electorate but as their master bids them to speak. He has a bait for them—from him they have the hope of picking up a crumb or two, thrown by him during the tenure of the legislature. This is what I call constitutional corruption. With such strategies the rulers can turn our democracy into a one-party state or even a dictatorship or a "dicto-democracy" where a dictatorial stance is shrouded by surface democratic precepts, all in connivance with the elected representatives. If a Nixon could corrupt democratic values, there was no harm in the thinking that overtook America in those days that the Constitution of the country ought to be amended to forbid the US President to run for a second term. The unlimited period allowed to a President earlier was reduced to two terms merely because the people had seen in this a dictatorial tinge. Concentrating power into one person's hands is like putting all one's eggs into one basket which may fall and with it may crumble the edifice of the country's hopes and aspirations. Diffused power, political and economic is not so easy to destroy.

Red in tooth and claw the Indian Emergency, as witnessed by each freedom loving individual, has laid bare before the world that the fundamental rights of the citizen can be sacrificed at the will and whim of the Prime Minister without sanction from the Cabinet, without sanction from Parliament or courts.

It was perhaps understandable that the Constitution should

have even erroneously conceived that sovereignty would lie with the oligarchy and not with the people at large. It was also understandable that the Constitution should have granted to Mrs Gandhi the divine right to rule during her lifetime and then, to pass on that same divine right to rule to her progeny. It was, again, understandable that the Constitution should have granted to the rulers the right to order the wholesale arrest of the entire population of the country and then deny them their basic rights to even eat and drink! But what was not understandable at all was that the orders of arrest should have been based on a tissue of deliberate lies.

And this did happen in India during the Emergency. The Government arrested nearly 1,50,000 persons and the first information reports registered with police, in each and every case, had to be a basic lie. Each person arrested had to be blamed, in black and white, for raising slogans against Mrs Indira Gandhi, when he might have at that very moment perhaps been enjoying a sound sleep in his bed, or doing something more important than raising such slogans. It also happened in the independent India of the years 1975 and 1976 that the police in thousands of cases was asked to arrest the children of those who were absent when the police went to their houses to effect oral arrest orders, without a warrant, without notice. The child was, of course, generally released when the father came and substituted himself to be handcuffed and chained in place of his young one.

I am reminded of the foolish king who once ordered that the noose meant for a particular culprit be put round the neck of any person, whomsoever it fitted when the real culprit's head was either too big or too short for it! Everyone would laugh at such a folly. But when I recall Mrs Gandhi's writ which also ran very much like this, I do not laugh—I cry and call out impulsively, 'Mrs Gandhi is THE SHE-TUGHLAQ OF INDIA!'" This is how the title of this book has been derived.

Even leaving aside the rule of law which was non-existent, a government which has the audacity to order its administrators to go illegal, has surely forfeited its right to govern and can be thrown out even by violence. But the government which breaks the law by virtue of another law effected retrospectively hasn't the moral right to rule. Such a law and such a Constitution

haven't the sanction to inspire our respect. We must take resort to changing the Constitution to make it more democratic and more rigid so that no single person may in future be permitted to snatch from us the sovereignty which, after a five thousand year long battle between the kings and the people, we have achieved as our basic right.

This Constitution of ours, I allege, was formulated under the influence of the British, represented by Ambedkar and others and Jawaharlal being a democrat had accepted the majority view expressed in the Constituent Assembly. I further allege that the Assembly was composed of people of no higher calibre than those Members of Parliament who acquiesced in adopting whatever was presented to them during the Emergency. The Constitution, therefore, needs amending for a further democratization of values.

The tragedy is that Loknayak Jayaprakash Narayan, HV Kamath and the late Shyamaprasad Mookerjee and others failed to understand the mischief in the Emergency provisions and suggested to the Constituent Assembly to have the Emergency Articles included in the basic statute. JP went a step ahead and advised that curbs including even the censor of private letters be resorted to during an Emergency. These stalwarts were misled by the so-called Manu of India, perhaps, when they appeared satisfied with what they called a protective Article under which Parliament was given the right to approve or reject Emergency long afterwards by which time the country could be destroyed completely. No Parliament, under our system, is expected to be impartial. It may on the other hand be even more partial than the recent Emergency Parliament. I therefore plead for a complete transformation of the Constitution, one so rigid that it cannot be touched even by future generations as far as its provisions relating to the fundamental rights and other basic features are concerned. The Germans, when they were free to recapitulate Article 48 of the Wiemer Constitution, much milder than our Emergency provisions revolted against its dictatorial structure and insisted that the basic rights guaranteed by the new Constitution would never be allowed to be changed in future. Yet the West Germans have risen head and shoulders above their counterparts in East Germany which economically is a pauper today despite their so called discipline—the discipline

which Mrs Gandhi was asking for at the top of her voice

This book is not merely Emergency episodes strung together for their temporary interest. Of course these are included to make it more interesting for the layman. The expert will welcome my real attempt to provide a valuable source of reference for scholars of history, political science, law and economics. The Emergency to a nation is like a fear, sorrow or anger expressed by an individual, who will go mad if the anger persists. The nation can likewise go astray if a perpetual Emergency in the name of discipline is made a basic culture of our politics. We will in that case be no better off than Bangla Desh and Pakistan etc.

The history of India during 1975-76 can be better understood by a study of the clandestinely circulated literature during the Emergency through which a revolution was simmering. The Press bans and censorship have also been discussed, historically tracing their formal origin in Aurangzeb's period, when he issued the ban on keeping records and when Khwafi Khan began keeping a diary secretly of the events for posterity what we have today as history of that period. The British viceroys also tried to impose censorship but the type of censorship that was witnessed during the Emergency was unique and peculiarly stringent for any country, much less for a democratic one like ours.

I have discussed the intentions of Mrs Gandhi who first nursed ideas of limited dictatorship, then changed her mind, sometimes even thinking of a kind of army rule. In both she failed. During the ultimately resorted to civil Emergency, a one party rule scheme was formulated by her but that too slipped out of her hands. The working of the Information and Broadcasting Ministry and its officials has been treated separately. That was the most significantly treacherous contribution to the deterioration of the conditions that the bureaucracy along with various departments of the police could make to spread terror in the minds of the people. The 'why' and 'how' of all this has been discussed. And also have I discussed the million-dollar question "will there be Emergency again?" On account of Mrs Gandhi's illogical approach to problems, her cruel actions which she even today goes out of her way to support in retrospect, and her selfish mental make up, she is labelled THE SHE-TUGHLAQ OF INDIA.

SHIV LAL

The She-Tughlaq

Mohammed-Bin-Tughlaq, a fourteenth century Muslim ruler of India, was painted as the wisest fool—like James I of England

The completely diametrical contrast and in some cases the amazing similarities provided by Mrs Indira Gandhi's rule with that of Tughlaq's, in the tragic callousness of the authorities under her and in the astoundingly efficacious policies which flopped at last, all make me call her the She-Tughlaq of India

By this title, I do not mean to denigrate all the actions of Mrs Gandhi, but to show to my readers how even the most sincerely pursued claims can be misunderstood and misconstrued by posterity—and far more unfortunately by contemporaries

It is an irony of history that Mrs Gandhi relinquished office on March 24, the very day that Tughlaq's reign ended, although the gap was of 626 years

Again, the day in 1975 when Mrs Gandhi finally got a notification signed by the President of India Mr Fakhruddin Ali Ahmed, proclaiming Emergency in the country was the very day when her father, the late Jawaharlal, in exactly the same month of June on exactly the same 24th and 25th day, 43 years earlier, had warned her against the excesses of Tughlaq and Chengez Khan and taught her lessons of democracy and warned her against autocracy

The Fakhruddin of Tughlaq times does not belong to Assam as our late President did, but to a nearby place, known as Lakhnauti, and was in complete control of Bengal which then included Assam too

Now, Barni, who during Tughlaq's rule, disseminated information of the king's palace and around, can easily be compared to the Burney who headed the Information Ministry as Secretary during Mrs Gandhi's rule.

A writer censures Tughlaq for his "mixing privately with yogis" *

Did Mrs Gandhi not use a yogi as an emissary on many important errands, as revealed to me recently by a senior Member of Parliament, Chaurasia? This pampered yogi was allegedly on the rampage with his sexual exploits and foreign currency rackets

I am reminded of the derogatory letters, mostly anonymous, written to Tughlaq, the type of which were addressed to Mrs Gandhi, and which only succeeded in annoying her. Whoever wrote to her, got a rebuff in the shape of a follow up by plainclothesmen or an actual jail term. I am reproducing here a paragraph or two from a letter from Bhimsen Sachar, the octogenarian ex Congress leader who was arrested along with eight others for addressing this type of communication to Mrs Gandhi. The reader can judge the innocence of the language which was like that of a father figure to a daughter Prime Minister gone astray. The letter said

"We regard Pandit Jawaharlal Nehru as one of the principal architects of Indian democracy. He used to say 'No one, however great he may be, should be above criticism.' It was he who had said about the freedom of the press

"To my mind, the freedom of the Press is not just a slogan from the larger point of view but it is an essential attribute of the democratic process. I have no doubt that even if the Government dislikes the liberties taken by the Press and considers them dangerous, it is wrong to interfere with the freedom of the Press. By imposing restriction you do not change anything, you merely suppress the public manifestation of certain things, thereby causing the idea and thought underlying them to spread further. Therefore, I would rather

* P 87 *The Delhi Sultanate* by RC Majumdar and others.

have a completely free Press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated Press'."

Democracy is a great thing which the late Jawaharlal loved. Mrs Gandhi did not relish these quotations from Nehru during this intoxicating state of power, like Mohammad Tughlaq who did not want to hear anything in praise of his father during his own reign, who did not tolerate critics or their criticism, as substantiated by Jawaharlal Nehru in his *Glances of World History*

The destruction of Delhi and forcible eviction of people from their hearths and homes to be settled in the so-called resettlement colonies during the Emergency can be likened to Tughlaq's eviction of people and their transportation to Deogiri, and, later, the effort to re people Delhi with the same population. These examples of the similarities of approach between an autocratic Prime Minister and a despotic sovereign make really interesting reading. Parallel to the defective currency and monetary policies of Tughlaq, we have the story of the devaluation of the rupee and the Indira government's repentance over it. Then the revolt of my old classmate, BS Minhas, Member of the Planning Commission, warning against fiscal misrule and miscalculation, is not stranger than the rise in prices and the policy of taxation followed in Doab during the Tughlaq period which led to a rebellion by the people.

Tughlaq's special expedition to Gujarat was also like that of Mrs Gandhi's soon before the Emergency. Her removing person after person from the helm of affairs and the reinstatement of others followed in the steps of Tughlaq's dismissal of his governor and the appointment of one after another in succession. The situation had worsened in Gujarat then as much as it did recently, leading to the clamping of the Emergency after changing two Chief Ministers who revolted against Mrs Gandhi's Congress.

Tughlaq's scheme of economic gains for the downtrodden is no doubt not put out in 20 points but in 5 five points all right, which included shelter to people and loans to the needy, the building of roads and distribution of free rations, etc.

Famous historian, Dr Ishwari Prasad, writes that those who were shifted from Delhi and had "no money to feed themselves

during the journey were fed at the expense of the state, and the Sultan was bounteous—but all these concessions and favours proved of no avail. The people who had lived in it with its numerous associations, left it with broken hearts.”

The tales of woe of those shifted from the numerous colonies of Delhi which were demolished during 1975 and the cries of the men, women and children forcibly evicted after the battles and skirmishes at Turkman Gate and of the proposed evictees from Jama Masjid, etc, remind us of Tughlaq's days and of Barni who said ‘so complete was the eviction that not a cat or a dog was left among the buildings of the city’.”

The Sultan of Delhi invited foreigners to his capital as Mrs Gandhi invited the fourteen Russian experts to guide her and assess the situation during the Emergency.

She did no more harm to the judiciary than Tughlaq did when he punished two jurists from Sindh who had rendered an unpalatable judgement. Mrs Gandhi changed the law and the Constitution and transferred the judges or allowed them to be similarly superseded.

One view is that historians are perhaps harsh on Mrs Gandhi as they were on Tughlaq. Some writers have praised the Sultan by saying “The verdict that declares him a cruel and blood-thirsty tyrant like Nero or Caligula does little justice to his great genius and ignores his conspicuous plans to cope with famine and his effort to introduce ameliorative reforms. There is ample evidence in the pages of Barni and Ibn Batuta to show that he was not fond of shedding blood for its own sake, and that he could be kind, generous and just even towards his enemies.”

The pro-Indira people, likewise, claim that among the enemies of her government, those who were put behind the bars were kept safe and most of them were treated more kindly than they deserved, for some really deserved to be shot. These admirers thus, unconsciously, draw a comparison between the Tughlaq of the fourteenth century and this She Tughlaq of modern times.

The sympathy of some writers goes in favour of Tughlaq because ‘he had to deal with the problems of an evergrowing empire with a staff of officers who never loyally cooperated with him. He had also to reckon with orthodox ‘ulama’ who

clamoured for privileges and who resented his attempt to enforce justice and equality among his subjects "

Viewed from the point of the disloyalty of her intelligence men who, Mrs Gandhi complained, had misreported the facts, and the insistence of *sadhus* like Vinoba Bhave and Jayaprakash Narayan pleading with her to mend her ways and the results thereof, we can appreciate how precariously, no less than Tughlaq, she was placed on the throne of India

The only contrast we see in both is that while he was a highly educated person, she had hardly any formal schooling

Jawaharlal wrote to Indira Priyadarshini on the 24th June 1932 about Tughlaq's intellect thus ' I tell you about Tughlaq—he was a most learned and accomplished man both in Persian and Arabic He had studied Persian and Arabic He had studied philosophy and logic, even Greek philosophy He knew something of mathematics and science and medicine He was a brave man, and was for his times quite a paragon of learning and a wonder And yet, yet this paragon was a monster of cruelty and seems to have been quite mad He came to the throne by killing his own father He had fantastic notions His most famous exploit was his decision to ruin Delhi his own capital, because some of the people of the city had dared to criticize his policy It is amazing how much knavery and cruelty and incompetence in their rulers people will put up with "

Jawaharlal was probably hinting at the British autocracy with which "people will put up" The fact is that no nation can put up with such rulers for all time When given a chance perhaps even the Russians will topple the present regime to replace it with a free society And Indira's rule was not thrown away just for nothing

We have examples of how when Mrs Gandhi was incited to fury by a newspaper published by George Fernandes which dubbed her as "the fountainhead of corruption", or the *Motherland* which insinuated against her connections with corrupt people, she took a firm decision not only to destroy her critics but also the whole tribe of journalists, the whole phalanx of the Jana Sanghis and the whole lot of anti Indira elements, including those who were once her dear confidantes Her revengeful nature and the nature of her spoilt son are very well comparable to Tughlaq's

How frenziedly BR Tamta, Commissioner of Delhi Corporation, went along with the fuming and fretting Sanjay to destroy buildings, particularly those belonging to political opponents, one day in Karol Bagh, is a sad and sorry episode. They did not care if while demolishing houses, they were also annihilating whole lives and futures and the life's earnings of people and their progeny merely to satisfy a revenge nursed ruthlessly from previous years.

I refer to Majumdar's book once again. He tells us that Shaikh Shihab-ud-din, a pious and accomplished person was one of the principal saints of the country. When he declined to accept service under the Sultan, the latter ordered a venerable jurist to pull out the hair of his beard. On his refusal to do so, the Sultan ordered that the beards of both the jurist and the Shaikh be pulled out.

The Sultan, several years later, howled at the Shaikh, 'You say I am a tyrant.' 'Yes', retorted the Shaikh, offering several examples of his tyranny amongst which was the destruction of the city of Delhi and the expulsion of its inhabitants. For this offence they tied him with four chains and fastened his hands, and in this state he remained for a fortnight without food or drink.

When we are reminded of the torture of Fernandes and his brother and other members of his family, and also of Rajan of Kerala, and others, and the plea of Niren De, Attorney General of India in the highest court of the land, that the government was vested with authority, under the Emergency rules, to deny natural justice including even food and drink to prisoners and when we are reminded of the acceptance of this dangerous plea by the Supreme Court of India we lose all faith in India's Constitution and its makers and shudder at what would be the fate of Tughlaq if he came and lived among Indira's subjects today.

Example after example can be quoted to draw a parallel between the two. There are, no doubt, still occasions when they part company as practical politicians and appear different from each other but in no case can my thesis that the tyrannical administrations of both had many things common be challenged.

Paid propagandists have gone out of their way to blow the

trumpet of Indira's boldness, bravery, intelligence, astuteness and sagacity. All this is fallacious. My own assessment is that she is a most mediocre person, far less intelligent, less shrewd and perhaps even less sincere and less straightforward than an ordinary Indian housewife who is generally simple, loving and serene, at once.

I had occasion to meet Mrs Gandhi at least three informally before she became Prime Minister and a number of times later during Press conferences. I can safely liken her boldness to a cat's, when, with its back to the wall, it has no alternative but to strike and strike hard. Indira's initiatives were purely for self preservation and they paid her well. She had, during the course of her battles, also readily available to her, sychophants who made great propaganda—purely for public consumption—that all she did was for the betterment of the downtrodden, poverty-stricken masses. The facts revealing the extent of publicity and media employed for this purpose have only now come to light.

We shall deal later with the Members of Parliament, journalists, bureaucrats and other sychophants who always came to her rescue and shrouded her real ideology and postures, which if revealed would have placed her very low in the estimation of the poor misled Indians, and those abroad, who could never read between the lines of her sobbings and smiles, which are to me always like the tears of a crocodile and the laugh of a hyena.

2

“JP is Dead?”

“JP is dead”. This is what Indira Gandhi and VC Shukla presumed on the midnight of December 11, 1975.

Telephone bells started ringing in the silence of night in the sleepy houses of important officials of All India Radio. All woke up later to learn that the news was partly true. The Loknayak was not dead but was on the verge of passing away.

The beloved leader of India's silent millions was not one bit a Loknayak for Indira or Shukla. The latter indeed had referred to him as that “blighter” whose obituary must not contain “even one single sentence of eulogy”.

PR Chona, Director, News Services, AIR, nodded his head in confirmation of what he understood to be the minds of his bosses and added “The man is already unknown, sir. And sir, cannot we let him go unsung too? The Press can be ordered accordingly.”

Om Mehta and Sanjay Gandhi, who had by now joined the conference, looked at each other for an answer.

Mehta said “You mean we should black out the item altogether?”

“No harm”, intervened Sanjay, and after a pause came an ~~was suggestion~~ suggestion from him that to cut that “son of a gun, Goenka, and his *Express* is rather impossible, although this Shukla can fix up the *Statesman* all right. Others, of course, are

like mice under a cats' paw "

Sanjay was in the habit of calling even the elders among the known Congressmen by their first names, out of affection—or derision. Shukla is "Shukli", or "Vidya", for him, for the Minister's young years and their common friendship with youth, male and female, and their common approach to many intricate problems, did not warrant Sanjay's standing on ceremony.

ND Tiwari, UP's Chief Minister, was either "Naram" or "O Tiwari" for him. He does not waste a precious prefix like "Mr" or a suffix like the Indian "ji" on any one of the Congress leaders, be they of any age.

I am reminded of the famous Congress session at Chandigarh during the Emergency where Sanjay and Mrs Gandhi became star attractions for youth among Congressmen and Congresswomen respectively. It was here that Ambika Soni and Rukhsana Sultana's names were heard for the first time. It was here that in order to win over Indira's attention that the "world renowned" leaders of the Congress party exhibited a kind of historic subservience to Sanjay.

I remember a scene there. Mohinder Singh Gill, now President of the Punjab Congress, and Zail Singh Giani, the then Chief Minister, vied with each other to get closer to this bright star of Chandigarh. Sanjay's slipper fell from his left foot when he was trying to climb the stage with the help of Swaran Singh. Mohinder and Zail elbowed each other in a scuffle—perhaps a conscious effort—to pick up the fallen shoe and while they were struggling the turbans of both of them had already slipped onto the ground. The onlookers laughed—an emergency laughter, possible only behind their sleeves—to see if perhaps the young man had also thrown the second one from his right foot, too, so that both Gill and Giani could share the service that they were rendering to the nation's future Prime Minister, for that is what Sanjay was suspected to be in those days.

Coming back to the scene of the obituary conference at New Delhi, Sanjay shrugged his shoulders in Yankee style and told Chona "Anyway, you go and prepare the write-up and show it to Uncle Yunus" (Mohammad Yunus). Chona left. The draft was ready at last. It was changed twice and then circulated to all AIR and TV stations. Instructions also followed that nowhere should JP's picture find a place.

While TV and Radio had to abide by the ruling of the Centre, by now in complete control of the situation, State Governments were asked to call small newspaper editors to avoid indulging in "unlawful disobedience" to the order. They were to be told that JP was but an "ignoble soul". The oral instructions added by Bansi Lal were that if newspapers displayed a feeling of "good riddance" after JP's death they were to be shown "due favour" in respect of release of government advertisements.

Nothing regarding Jayaprakash Narayan's role as a hero of the Emergency—nothing about his philosophy as a harbinger of Gandhian socialism—nothing in respect of the total revolution of a corruption free society for India—nothing of the kind was to be given out to the public.

JP was to be projected as an ill at-ease man suffering from all the drawbacks of poor health. He was to be shown as having fallen prey to exhaustion and a kind of series of mild heart attacks, diabetes, and what not.

His only achievement of a lifetime to be acknowledged, was the surrender of dacoits to him.

The following is the full text of the circulated obituary:

Mr Jayaprakash Narayan had been in poor health since November 1971, when he suffered a mild heart attack. His condition became complicated because of exhaustion, high blood pressure and diabetes. On many occasions thereafter, he was advised by doctors to take complete rest. In February 1972, he announced his decision to retire from public life at least for a year to recoup his health. In February last year he was admitted in a New Delhi hospital following a chest infection and exhaustion. Two months later he was operated upon for prostate gland in the Christian Medical College Hospital, Vellore.

During his tour of several parts of the country over the last five years, JP had to cancel his engagements many times because of high blood pressure and fatigue.

Jayaprakash Narayan was born in a village in Saran District in Bihar in October 1902. He completed his studies in Bihar. *Vidyaapeeth* and later went to the USA for further education. On his return home in 1929, he plunged himself into the national struggle. He was in charge of the labour

department of the Congress and later organized the Congress Socialist Party

JP was sentenced to a prison term after the outbreak of World War II. In November 1942, he escaped from the Hazaribagh Jail and spent the next ten months organizing the Quit India Movement. He was arrested again in September 1943 and was released in 1946. In the early fifties, JP renounced politics and joined the Bhoodan Movement of Acharya Vinoba Bhave. In 1965, he won the Ramon Magasaysay Award.

One of his main achievements was the surrender of more than 400 dacoits in the Chambal ravines.

Two years ago, JP returned to active politics again.

His wife, Prabhawati, who died in April 1973, was a Gandhian and had been a constant companion to JP in his political life.

JP was connected with several labour organizations and was the writer of several books on socialism and Indian problems.

Dt 12 12 75

Sd/- P R Chona

Director

Although JP is still alive, the then rulers must have prayed day and night for his early end.

So, the Broadcasting Minister, much more than his Ministry emitted the blackest of records with which the 21-month period of the Emergency is replete.

If Shukla used Sanjay to get shifted to this department, the reason perhaps was not simply a conspiracy on both their parts to capture the most powerful medium of propaganda, but also to have accessible to them the most beautiful and glamorous actors and actresses of the films as well as artistes from radio and TV worlds. Both the Minister and the Prime Minister's son suffered from all the human weaknesses to which Jawaharlal refers to in his *Autobiography* as a sin from which he himself was admittedly not safe.

Religiously at one in the afternoon every day a telephone call used to be made from one "Vohra" to a well known beauty from a Mirza family of Lucknow, now employed in Shukla's Ministry. This 'Vohra' was none else but Shukla himself, who would then proceed to drive his car up to the outer gate of Broadcasting House to pick up the beauty for a luncheon meeting and perhaps an hour of dalliance thereafter.

For reasons of this sort, many female artistes grew arrogant with their immediate superiors and the quality of their art deteriorated. Their faults were ignored and sometimes they escaped with complete immunity without a tinge of bashfulness. The so-called discipline, an arch objective of the Emergency, was thrown to the winds.

The stories of orgies and of how some actresses were made to dance naked in front of them, and how some actors and producers were made to suffer on account of their refusal to oblige Sanjay or Shukla with their performances for their personal causes are too well known now to be repeated here.

I have mentioned the weaknesses of these young VIPs. They indulged in favouritism of the worst kind which does not behove an administrator and future head of government for which post Sanjay was being groomed.

Nothing of these deeds forms part of the Government of India White Paper on the I & B Ministry presented to Parliament by LK Advani, the present head of the Ministry, on August 1, 1977.

The White Paper also does not mention how films were produced at Bombay with the sole intention of financially supporting Sanjay's fans among the private 'producers'. Known as "morale boosting" films, some of them did not see the light of day although payments against many of them were made in advance. The fake film producers were never brought to book. Actions against them were stayed by Sanjay's and Shukla's orders. Those who were paid included many whose price was evaluated far in excess of what they deserved.

A band of young men who organized the bringing of some glamorous personalities from Bombay's film world to Delhi to take credit from Sanjay and Shukla for their initiative in introducing to them a new cultural evening, Geeton Bhari Sham which would serve both as blissful solace to their souls and also as propaganda for their avowed goal of family planning.

How could the cultural evening propagate a family planning programme? The fans of the actors were either rich enough to afford to have more than the prescribed number of children or were educated enough to curtail their families without the help of these actors. This never occurred to anyone at the helm of

affairs, whom members of the Youth Congress had approached for monetary blessings. It explains how the money collected would have been paid to the Youth Congress workers for the sustenance of their loyalty to Sanjay. And this was the pre-eminent question. And the more elaborate answers to this question was with Shukla who offered to Raj Kaushik, the President of the Delhi Youth Congress, twenty thousand rupees for TV coverage of the programme.

The strategy was chalked out within seconds. It went like this. The Youth Congress chief would approach Shukla's Ministry to demand a lakh of rupees for allowing TV to cover the function so that the teeming millions of the country could also benefit from the Geeton Bharat Sham. As the weaker sections of society were the stark target of exploitation, the Ministry would have to agree to the proposal!

Now the scene shifts to the TV offices. They first refused to pay the enormous amount of a lakh for this strange purpose. Such programme coverage had never ever in the past been paid for.

"All right, not one lakh, pay us only fifty thousand." The demand receded a little.

"No, nothing doing", intervened Shukla, and a deal was struck at thirty thousand as against the promised twenty thousand.

Kaushik in whose name the cheque was drawn was all agog and announced to the other member of the syndicate that they should thank Sanjayji for his orders to Shukla and his men who had created history for the sake of the weaker section of society.

The story of *Kissa Kursi Ka* and the like are already *sub judice* and cannot be narrated here.

While the veracity of the challenge that Nahata's film was destroyed by the Information and Broadcasting Ministry people at the behest of Sanjay and Shukla cannot be put to test at this stage, I certainly know of the circumstances leading to orders to destroy *Waqt*, another feature film.

The truth is, that on the 5th February 1977, when Mrs Gandhi addressed a public meeting at the Ram Lila Maidan in New Delhi, the hired crowds who had been brought there to listen to her with rapt attention could not contain themselves and jeered at her. Her fury, disappointment and desperation were easily discernible from the tone with which she implied to

the audience that although she had ordered elections to be held at last, she was not going to leave just like that, and that those who were today showing such arrogance would have to pay for it later.

The meeting flopped miserably. And she could judge rightly, in advance, that the next day's rally at the same place, to be addressed by JP, was going to be a big affair. Incidentally, the next day Sanjay unauthorizedly flew a light plane with the help of a newspaper editor, who is also a well known flier, over JP's audience to confirm the fact that the Ram Lila Maidan was filled to overflowing and the crowds spilling over the boundary walls and milling down on the outer roads had reached its far outskirts. The dumb millions who had borne the Emergency excesses in sullen silence sat on housetops and figuratively spat on the face of the Prime Minister, at the same time showing nothing short of approbation for the leaders opposing her.

All this was known in advance to the I & B Ministry bosses who had earlier served with the police and were well versed in third degree methods. Pat came a ring for NL Chowla, Additional Director General of TV from Tripathi, Special Assistant to Shukla, to withdraw *Waqf* from the Sunday evening showing, and in its place to acquire *Bobby*, the choicest of the productions of those days and put it out at four p.m. instead of the usual six thirty p.m. so that the people could stay indoors and see something better "than the ugly faces of these opposition miscreants".

When Chowla rather naively asked the reason for such a change, his boss put down the receiver in anger and impatience. At this stage Chowla's junior was contacted on the phone immediately and the boss got the needful done. It is here that the orders for *Waqf* to be destroyed were issued, so that later people would realize that *Bobby* was not shown merely to wean away crowds from the Ram Lila Maidan but that there was a plausible reason for it, in that the print of the scheduled film was defective. It still remains a mystery how the junior official evaded damaging the film. Later versions indicate that the feature film escaped the wrath of the I & B Ministry clerks for they could not find a logical answer to the question of why the film timings were also changed. The staff was almost sure that it would ultimately be an open secret that the destruction of

Waqf was deliberate and that it would prove a dangerous proposition for themselves

The secret could not remain a secret To what extent the legal authorities could go in committing many of the illegalities of the type that were committed at the Broadcasting House are now part of the White Paper and we need not dwell on that

Whenever Shukla went to Bombay and stayed in a hotel, only selected charmers were invited to visit him Most officials were denied the right or courtesy to talk shop with him, as Shukla was enjoying a solitude, tired out by the hectic life of Delhi Sanjay accompanied him, too, a number of times Shukla had engaged private secretaries even before the Emergency, during his previous tenure of Deputy Ministership, who could help provide this "solitude" for him always

After the promulgation of the Emergency and particularly after his taking over the Information and Broadcasting Ministry, Shukla had started wearing long sideburns and hippy style hair This was done because certain artistes had suggested to him that with his bespectacled face he was less handsome with the kind of hair do he was accustomed to at the time He became a dandy and utilized his newly acquired "beauty" properly to attract crowds composed mostly of youthful persons

Rajni Patel as discussed recently in Parliament had a suite requisitioned for some special purpose at the Ashoka Hotel—Members of Parliament can now be told that it was the Akbar Hotel and not the Ashoka Hotel which was the haunt of these young VIPs

The girl whom 'Vohra' used to ring up was taken off her staff artiste's post and employed with an industrial house where Shukla soon sensed she was too acceptable, and changed her over to the ITDC which had links with the above mentioned Akbar Hotel

I happened to meet Shukla through his Private Secretary, Joshi a number of times Prior to that I had once been invited by Shukla to lunch at his Queensway (now Janpath) residence The occasion was my interview with him as a leading office bearer of the Shikar Outfitters' Association And no doubt he looked like a real *shikari* to anyone who met him at that particular time,

The story of the change in the portfolio earlier held by Inder

Gujral is not just the story of long hair and thick sideburns and the beauticians' trade, as the reader might have understood from my write-up. It went far beyond that. And no author has so far mentioned this.

There was once a rally at the Boat Club in the Secretariat complex organized by Sanjay himself. For the first time, he had ventured to come to the stage openly to side with his dejected mother after the "judgement" to which Mrs Gandhi indeed once referred obliquely, suggesting that if Sanjay had not been there on the scene after the judgement, when she was ditched practically by the whole country, she would have been lost. It is now a damned fact that she is a solitary reaper but without a word of praise or sympathy by any Wordsworth. Indira wanted her son to be projected for the first time on TV through a live broadcast. But the view still prevailed in radio and TV that they still didn't mind publicizing the anti opposition leaders, and would not go out of their way to make fresh leaders. Gujral refused to oblige Sanjay with a live broadcast and, therefore, the first casualty of the Emergency discipline was a discipline propagandist himself. Gujral's usefulness had already vanished after he had helped Indira during the famous 1969 split of the Congress. And to the power hungry Sanjay, Gujral was but a stumbling block like many of the old guard who must be kicked out of his path, and at once. The Emergency was a warlike situation and the Hitler in Indira wanted a Goebbels. And Shukla really proved to be so. Or was it for Shukla to play the role of Mohammed Bin Tughlaq's court author Ibn Batuta, who supported by Barni, another court writer, projected the most foolish king of India as the wisest. It is a strange coincidence of history that there was a Burney, an IAS titular head of the Information and Broadcasting Ministry in Indira's times, too.

3

The Story of Press Bans and Army Rule

It was *army rule* and not the simple *Constitutional Emergency* that Mrs Gandhi first contemplated for the country, particularly after June 12 1975, when she lost her election petition at Allahabad

The proposal was initially known only to herself and her son, Sanjay, in whom she confided. But Sanjay, an upstart, revealed it to one or two of his confidantes and soon, the news was practically an open secret among all top leaders. The strategy therefore, was required to be altered, and instead of making herself available for the helm of affairs, she decided to offer to the late President, Fakhruddin Ali Ahmed, the Supreme Commander of the Defence Forces of India, her "unstinted support" if he wished to be head of the proposed government. At the time, Mrs Gandhi relied totally on the President, although later on she changed her loyalties. This was like Tughlaq who never firmly held one opinion for very long.

Long after the middle of June and before D Day, she thrice prepared herself to announce her decision to become a dictator through AIR which was, every time she proposed to broadcast, cordoned off by huge military and para military forces, but

every time she lost courage at the last moment she felt that the arrangements for the kill were yet not fool proof *

Those jealous of her warned Mr Ahmed in advance about the situation and advised against such a step. Now mentally alert he refused to act on the proposed strategy and also tried to dissuade her from jumping from the frying pan into the fire. Her old scheme of imposing Civil Emergency thus had to be revived, and she was obliged even to abandon her plans to have her case in the Supreme Court stayed perpetually through a kind of *coup de' etat*.

In the event of a military takeover, she thought there was no need for the observance of the rule of law or the formulation of actual regulations regarding censorship and other administrative matters. Third degree methods could easily be employed and there was no requirement to bother the Cabinet about it either. This is the reason why when the President was approached for his signatures on the proclamation on June 25, 1975, Mrs Gandhi was still in two minds as to the efficacy of military or civil takeover being revealed to the Cabinet, some of whose members could have ditched her and foiled her plans.

No blueprint for legal or regular censorship of the newspapers was made out before hand. It was only at the eleventh hour considered expedient, to disconnect the electricity and water mains of important presses, and this fell in the purview of the famous BR Tamta, who was already in Sanjay's pocket and one of those who took their orders directly from him. The major arrests of the Emergency had already been effected by the time it had got approval from the Cabinet. Orders began flowing orally and being faithfully obeyed, never mind if they were legal or not.

Now enter the communists guided by 14 Russian agents in India in their role of advancing a hand of friendship, not so much for throttling public opinion as for enabling chaos to come naturally to this vast developing country with variegated types of people ruled by a weak government. A gagged opinion backed by rumours was expected to spell ruin to the nation. Then the anti national forces could overtake the nationalistic

* Only on one occasion the *Hindustan Times* reported about the proposed broadcast when Mrs Gandhi failed to appear.

spirit and they could fish in the resultant troubled waters. But the overwhelmingly patriotic populace kept its sentiments subdued throughout the Emergency period. It harrassed government agencies constantly, but peacefully, and non-violently.

The censor office had been established as if on a permanent basis. No one knew at that time that relations between Russia and India would undergo some change as a result of unsuitable trade terms. And no one knew at that time that India would need the help of America once again for straightening out imbalances in its faultily conceived economy.*

When Mrs Gandhi was totally exhausted, she sent her emissary to the American President-elect for help. Kewal Singh was told plainly by Carter that he proposed to consider his human rights thesis as the basis of all aid to developing countries. This meant that any country, whose government provided for rules of arrest of citizens without trial, would fail to get preferential treatment. In turn, Kewal Singh's forthright advice to Mrs Indira Gandhi, was, that she should hold elections forthwith before 20th January 1977, when Carter was to take over. The elections were announced suddenly on January 18, for the time and atmosphere was found by Indira's intelligence men and also her astrologers† to be perfectly suitable, a fact which is known to all by now. And in the wake of the defeat of the very purpose of the Emergency, the censorship spirit also vanished.

We shall discuss all other issues raised in this chapter elsewhere. Our present interest is the scheme of censorship.

The government's censorship rules recoiled on the administration, which was a natural corollary of the weakened top cut off from its base—the public—altogether. A ruthless ban on newspapers, officially, and on other literature, unofficially, is unprecedented in the recent history of the country. Even the British Government had never banned the writings of Nehru or Gandhi. It had also not banned newspapers, generally speaking.

In the event of war and the civil disobedience movement the

* Please read foreign aid table in the relevant chapter.

† She completed her eleven year rule on that day, wrongly considered to be auspicious by the soothsayers.

alien rulers had been taking recourse to a kind of "self" censorship, a word which was often used by the then Information and Broadcasting Minister and the Prime Minister to give the impression that this was a kind of parallel to British rule and not worse than that. But the fact is that books which were not officially covered by the jurisdiction of the law as such, were never allowed to be displayed in shops. Booksellers were harrassed and their stocks were destroyed, therefore they were fearful of stocking any book which could even remotely be considered as not pro-Indira.

All stories about JP for instance were a red rag to the local police authorities and without orders from anyone or anywhere they would seize all copies on JP and burn them. Shopkeepers were forced to stock books which exhibited pro-Indira slogans and to prominently display such slogans on their premises too.

My own book on the Allahabad judgement did not attract the wrath of the bureaucracy merely because it had an attractive cover picture of the then Prime Minister, otherwise the book was in no case better or more pro the Emergency than the *Verdict from Jaipur*, whose publisher has a gruesome tale to tell about the seizure and destruction of his stocks and also of his harrassment by the police.

There were no rules, as such, objecting to the publication of such books, but there were definite rules howsoever undesirable, with regard to the printing and publication of newspapers.

And who were the persons who decided about the publication-worthiness of a news item? In the capital of India, the staff was no doubt better than the uneducated public relations officers engaged for this work in the districts. In Jullundur (Punjab), a newspaper centre of repute, one person employed for censoring the news was a compounder who had been brought in from a dispensary in Nagla village near Chandigarh!

A drink or two were sufficient to convince many public relations officers of the goodness of an item now suddenly capable of being accommodated. The Editor of Blitz told Delhi TV viewers once, how the same rejected news items were found acceptable by other censors in the same office. There were no set standards. Personal whims were the deciding factor and corruption was rampant.

A few editors at last approached the courts of law at different

places with the main plea that the censors were exceeding the authority in rejecting innocently worded and well meaning stories. Not many could afford to knock at the doors of the law courts and they suffered by default. But whosoever took courage found the courts receptive, for the law was on the side of the common man. The judiciary opined that the government had taken in its head a wrong notion that it was free to go illegal and go out of its way to suppress public opinion. After all, the government also existed only by virtue of some recognized legal authority and *could* not exist without sanction of law.

The censor orders illegally forbade editors from cutting out words or leaving blank spaces, lest even by mistake, that should indicate to the public that the blank space or the cut out words were a result of the censor's scissors. This was an improvement over the British policy of censorship, which never objected to blank editorial columns which was a means of expressing journalists protests.

Many printed formes had to be destroyed by even those poor publishers who could hardly afford to have their journals re-printed during Emergency and therefore, suspended their publications during the Emergency. The White Paper on the I & B Ministry presented by LK Advani, Information Minister, in Parliament on August 1 1977, has given an exhaustive list of newspapers which stopped publication. Many of them did so because of the excesses of the censors and for want of advertisements which were denied to them because of their unpalatable views. Numerous stories of highhandedness of this sort, can be added—indeed the White Paper is rather sketchy. It does not for instance mention how one of my papers was stopped. There are numerous others which have failed to catch the eye of LK Advani. A minimum of 253 journalists were arrested.

Government offices were flooded with intelligence men to censor the employees' unguarded conversations. Post offices were required to submit their incoming and outgoing mail, particularly to and from abroad for censorship. The tragedy is that the censors mostly destroyed letters completely after pulling off and privately pocketing costly stamps that they distributed among themselves openly. Information about the tapping of telephones is old hat now for readers.

Going back to the history of censorship in India, never

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before or after Aurangzeb had issued orders banning writing on religious grounds, have we heard of ruthless restrictions like those in force during the Emergency. In 1675, three hundred years prior to the Indira Government's swoop on newspapers, books and even private letters, the Mughal ruler announced by the beat of the drum that no one would henceforth be allowed to keep a record of events of his reign. But Aurangzeb's objection was that writing for posterity was un-Quranic, whereas Mrs Gandhi thought that only the publication of the opposition point of view was a sin, and eulogies of herself were not only not banned, but were on the other hand positively encouraged. Favours were showered on journalists who could kill their consciences. And many an editor *did* change overnight, leave aside those who sincerely concurred with the idea that Mrs Gandhi's reign, and following her's her son's rule, was *needed* for the nation which if this blissful subjugation was denied to it, would otherwise go to the dogs.

Incidentally, Khwafi Khan kept a secret record of happenings during Aurangzeb's period and left his diary to posterity. A record of the black Emergency was likewise kept by many people most of whom had already sharpened their mental faculties during the 21 months to make and preserve mental notes of all that could not be put in black and white for fear of the authorities. There was also a bulk of underground literature circulated by the many Khwafi Khans of the Indira-rule. I was fortunate enough to have laid my hands on such literature and am able to make use of it now. It is clear now that the censor failed miserably and will always fail in any dictatorship.

Historically speaking the Mughals later on never resorted to the censor. The British too did not censor newspapers earlier. *The Bengal Gazette* published scandals about the British during the 1780s, two hundred years ago. The editor was however, tried for publishing libel against the then Governor General's wife. The censors then objected mostly to the filthy language which was the order of the day in newspaper columns.

Hastings abolished censorship altogether. He believed in "*criticism as a healthy antidote to dogmatic intellectuality*". The next Governor General imposed a kind of censorship but the period of Bentinck and Metcalfe witnessed a fair liberality.

Lord Canning's gagging the Press for a year after the Mutiny of 1857 was not unexpected but was objected to even by the British themselves. Restrictions were, therefore, removed. 'Self' censorship was imposed during Lytton's time. This was dubbed an "obnoxious Act" and was, therefore, withdrawn after it remained in operation for four years.

By fits and starts the nation reached a stage when it got independence and an explicit promise from its rulers that the freedom of the Press would never become a casualty. That is why censorship of any kind was detested, is detested and will always be detested, and particularly from a duly elected government of the people, by the people and for the people. But no Tughlaq would give two hoots for this opinion, and rightly do we call Mrs Gandhi "The She-Tughlaq of India".

4

On Censorships, Codes and One Party State

That Mrs Gandhi proposed an "Indira dictatorship" as the only remedy for the ailing India is an open secret now

After having thrown a feeler through one of her henchmen publicly advocating the idea of "limited dictatorship", she went ahead with defiling the Constitution and the laws of the land. Molesting the judiciary turned into a basic culture of Indian politics, or rather the culture of the Congress party during Mrs Gandhi's leadership. She was ill advised indeed also to turn Parliament into a one-man affair.

During the Emergency, she took four great steps in an endeavour to bring about dictatorship. First, she asked Shasha Bhushan to plead with the people that one party rule under Indira was the only way out.

Secondly, she urged the late Mujibur Rehman of Bangla Desh to ban all parties in his country and report back if one party rule could meet with success in India too. But she came to grief there.

Thirdly, she despatched to Tanzania a research scholar to report on the working of the one party rule in that country. Julius Nyerere, father of the idea of one party 'democracy' in Africa, was invited here to advise her government on the feasibility of such one party rule on which topic he had, during

his student days, in London, completed a dissertation for which he was awarded a degree

Fourthly, Soviet Russia on whose advice she acted on this plan sent a 14-man team to India to dot the is and cross the ts for the finale

The result was a complete strangulation of the Press, besides that of the meaningful opposition parties and others' anti-views.

The unimportant among the editors were one day collected together. A meeting with Mrs Gandhi was stage managed and a pro-Indira appeal was issued. This was done too late but the purpose was that journalists who had escaped arrest and editors whose papers were subjected to pre-censorship despite propaganda to the contrary, should not go astray and should submit to a kind of "discipline", eulogizing the establishment

Another group of editors, as pre-planned, issued an appeal on behalf of the whole journalistic world implicitly accepting slavery instead of freedom. This is how the code of ethics for newspapers became part of the Emergency history. The code read as follows

In pursuance of the social responsibility, the following code of ethics will be applicable

(1) In the discharge of their duties, journalists shall attach full value to fundamental human and social rights, shall hold good faith and fairplay in news reports and comments as essential professional obligations

(2) Journalists and newspapers shall highlight activities of the State and the public which promote national unity, solidarity, integrity, and economic and social progress

(3) Journalists and newspapers shall avoid reports and comments which tend to promote tensions likely to lead or leading to civil disorder, mutiny or rebellion. Violence must be condemned unequivocally

(4) Journalists and newspapers shall ensure that the information disseminated is factual. No fact shall be distorted nor information known to be false or not believed to be true shall be published

(5) No sensational or tendentious report of a speculative nature shall be published. Any report or comments found to be inaccurate shall be rectified by prominent publication.

(6) Confidence shall always be respected. Professional secrecy shall be preserved

(7) Journalists shall not exploit their status for non-journalistic purposes or inquiries and shall not allow personal interest to influence professional conduct

(8) There is nothing so unworthy as the acceptance or demand of a bribe or inducement for the exercise of his power to give or deny publicity to news or comment.

(9) Journalists and newspapers shall not indulge in personal controversies in which no public interest is involved

(10) Journalists and newspapers shall not give currency to public rumours or gossip or even verifiable news affecting the private life of individuals

(11) Newspapers shall refrain from publishing matter (including advertisements) which is obscene or is likely to encourage vice, crime and unlawful activities

(12) Journalists and newspapers shall promote and project the normal objectives of democracy, socialism and secularism

(13) Journalists and newspapers shall refrain from giving tendentious treatment to news of disturbances involving caste, community, class, religion, region or language groupings and shall not publish details of number or identity of groups involved in such disturbances except as officially authorized

(14) Journalists and newspapers shall not publish information and comments detrimental to the interest of the sovereignty and integrity of India, the security of the State and friendly relations with foreign countries (Newspapers include journals, magazines and periodicals)

Members of the committee which prepared the code included M Chalapathy Rau (*National Herald*), P Vishwanath (*Patriot*), Nikhil Chakravarthi (*Mainstream*), VPV Rajan (*The Mail*, Madras), G Kasturi (*The Hindu*), Askshaya Kumar Jain (*Nay Bharat Times*), KM Mathew (*Malayala Monorama*), and VM Nair (*Mathrubhoomi*)

The code was also formulated too late and was proposed to be part of India's statute book

Earlier, day in and day out false claims were publicized that pre-censorship had been abolished or that censorship had been relaxed or that "self" censorship was now the policy that the

government wanted to pursue sincerely. This was entirely false.

We give below a few court judgements in brief in censorship cases for the readers to have a glimpse into the minds of the judiciary and the falsehood contained in the government propaganda.

(1)

Justice RP Bhatt allowed with costs at the Bombay High Court a writ petition filed by MR Masani, a former member of the Lok Sabha, challenging the validity of the July 15 decision of Binod U Rao, Special Press Adviser to the Government of Maharashtra, prohibiting the publication of matter intended for use in the monthly journal *Freedom First*.

However, as counsel for Rao urged a stay order of his judgement pending an appeal, counsel for the petitioner agreed not to publish the article till 15 December. The judge recorded the agreement.

The petitioner had challenged the respondent's decision in not allowing publication of certain material submitted by him for approval. When pre-censorship was imposed on 26 June the issue of the petitioner's journal was ready to go to the press and therefore the petitioner submitted the issue for approval to the then State Censor, Mathur. Since that issue of the journal could not, however, be printed, the material for the next issue was submitted to the respondent for approval.

This material consisted in part of fresh matter and in part of some matter which had been earlier "cleared" by Mathur. Not only was publication forbidden of the fresh material but also of some of the old material which had been cleared. The petitioner's contention was that the respondent's order prohibiting publication dated July 15 was illegal and therefore void.

The judge considered each item of the material in the light of the respondent's justification of his action. He was of the opinion that none of the items fell within the ambit of the respondent's powers under the Central Censorship Order.

The judge observed that the respondent had not correctly appreciated the scope of his powers, adding that not every comment or criticism justified prohibition from publication. Comments to be prohibited must be such as would create a situation which would affect public order or internal security. If there was the right to praise the government, the judge said,

there was also the corresponding right to criticize the government, unless the criticism affected the internal security of the country

The judge was not convinced by the reasons advanced by the respondent in his affidavit for censoring each item. He also held as erroneous and therefore illegal and void the respondent's decision in respect of each of the items.

Although the judge had not gone into the *vires* of the guidelines he held that some of the guidelines fell squarely beyond the object of the Censorship Order of June 26. None of the articles submitted for scrutiny by the petitioner, the judge said, offended the object of the Censorship Order. In prohibiting these articles, the respondent had, the judge ruled, exceeded his authority under the law and considered irrelevant and extraneous matters.

SJ Sorabjee with GA Thakkar, AG Noorani, SN Parekh and A Hidayatullah instructed by DH Nanavati appeared for the petitioner. HG Advani, instructed by VB Shastri appeared for the respondent.

(2)

An interim injunction restraining the censoring authorities from calling upon the Rajkot daily *Phulchhab* to submit all news items for scrutiny was issued by a division bench of the Gujarat High Court consisting of Justice AD Desai and Justice NH Bhatt in Ahmedabad. The interim injunction previously granted restraining the censor authorities from issuing any direction to prohibit publication of news regarding the court proceedings of the writ petition was also continued by the court.

(3)

The Delhi High Court issued notice to the chief of the censor cell in the Delhi Administration to show cause why a writ petition filed by Harbhajan Singh, editor of *Film Mirror*, seeking return of certain photographs should not be admitted.

Justice Prithvi Raj heard the case.

Harbhajan Singh said in his petition that he had submitted some articles and photographs, including an interview with American film actor Marlon Brando, to the censor office on

December 17 in accordance with the orders issued to editors of film magazines on November 6 last year

While the censor office passed and returned most of the articles meant for his annual number and special issue on World Cinema, the photographs were not returned

Harbhajan Singh contended that the photographs were neither indecent for obscene

He submitted that he was suffering considerable loss as the special issue was meant to coincide with the Festival of World Films which began in Bombay on January 2

(4)

When the Maharashtra Government appealed against the judgement of the single-judge bench of the High Court to a division bench in the Masani case, the government were rebuffed. Justice Madon and Justice Kania observed that it was not for the censor to exercise the statutory power to force public opinion in a single mould or to turn the Press into "an instrument for brainwashing the public"

Their lordships said "Under the Censorship Order, the censor is appointed the nursemaid of democracy and not its grave-digger. Dissent from opinions and views held by the majority and criticism and disapproval of measures initiated by a party in power make for a healthy climate, and it is not for the censor to inject into this the lifelessness of forced conformity

"Yet, another thing which the censor must bear in mind is Section 78 of the Defence and Internal Security of India Act. Under that section, every authority or person acting in pursuance of the act is to interfere with the ordinary avocation of life and enjoyment of property as little as may be consonant with the purpose of ensuring the public safety and interest and the defence of India and civil defence and the internal security

"Thus, the position in law is that a censor must exercise his authority having regard to the purposes and objects set out in the Censorship Order and in such a manner as to interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with these purposes "

Rao had urged that Masani's writ petition was not maintainable in view of the proclamation of Emergency and the

suspension of the fundamental right to freedom of speech guaranteed under Article 19(1) of the Constitution as a result of the proclamation

Rejecting this submission, their lordships held that what were suspended under Article 358 on the making of a proclamation of Emergency were not the rights mentioned in Article 19(1) but the restrictions upon the power of the State to make laws or to take executive action inconsistent with those rights

In other words the making of the proclamation of Emergency removed the fetters which were placed upon the State's power to make laws or to take executive action restricting or abridging the rights mentioned in Article 19(1), they said

A complete ban on the coverage of Parliament was also planned at first. But some members of the Congress Party took courage to request Shukla humbly that as a blackout would not be proper, some kind of guidelines be adhered to for the publication of reports from Parliament. Sanjay and Yunus reluctantly okayed the scheme but with a word of caution

The government had fortified itself against all critical prongs. It had arrested people and issued a threat of arrest to others. It had passed stringent laws. It had strangled the opposition and emasculated the Press. Censorship, guidelines, and what not were imposed. But still the Government was afraid of any password being percolated to the people who had by mistake elected it once.

Now came a Chief Censor's order No 2/147/75-cc dated March 7, 1976 with strict instructions to the editors once again not to make the mistake of publishing this order. Every notification meant even for killing contained a bold order that the intention to kill was not to be reported or leaked out even after the action. I am reminded of my article in a series of two published ones telling the readers that the 42nd Amendment was not meant for the weaker sections of the society for whom it was purported to have been effected. In fact there was hardly any clause dealing with the economy. All the clauses were a *tamasha*. The second of the series was forbidden because 'the article told the people what the government is up to', remarked a jocularly inclined censor

These were the guidelines for covering the proceedings of Parliament commencing March 8, 1976

1 Parliament is the sovereign body and, therefore its deliberations have sanctity In no case, the image of Parliament as a voice of the people and as a sovereign body should be allowed to be impaired Therefore, no news, report or comment attempting to defile the sanctity of the proceedings of Parliament or attempting to give an inaccurate or distorted version of the proceedings should be published

2 News, reports and comments relating to the proceedings of Parliament are governed by Rule 48 of DISIR, 1971, and the statutory orders framed thereunder The provisions of statutory order 275(e) dated June 26, 1975, and as amended on August 12, 1975 and February 2, 1976 under Rule 48 of DISIR, are relevant These cover news, comments rumours or other reports, relating to

- (a) any contravention or alleged or purported contravention of any of the provisions of Part III, rules 31 and 33 of Part IV, rules 37, 38, 39, 43, 46, 47, 48, 50 51 and 52 of Part V, Part VIII and Part IX of the said Rules including orders made thereunder, or
- (b) any action taken in relation to such contravention or
- (c) any action taken under the provisions of the Maintenance of Internal Security Act, 1971 (26 of 1971), or
- (d) the proclamation of Emergency made by the President on the 25th day of June 1975 under Article 352 of the Constitution or
- (e) the Order made by the President on the 27th day of June 1975 under Article 359 of the Constitution or
- (f) any action taken under the provisions of the Defence of India Act 1971 (42 of 1971) or under the provisions of the Act as amended by the Defence of India (Amendment) Act 1975 (32 of 1975) or under the rules and orders made thereunder, or
- (g) any "prejudicial report" as defined in Clause 7 of Rule 36 of the Defence and Internal Security of India Rules, 1971
- (h) The proclamation, in relation to the State of Tamil Nadu, issued on the 31st day of January, 1976, under Article 356 of the Constitution by the President

3 Matters defined as objectionable in the Prevention of Publication of Objectionable Matter Act, 1976, should also be kept in view while covering the proceedings of Parliament. Objectionable matter as defined in the Act is quoted below

The expression 'Objectionable Matter' means any words, signs or visible representations

(a) which are likely to

(i) bring into hatred or contempt or excite disaffection towards the Government established by law in India or in any State thereof and thereby cause or tend to cause public disorder; or

(ii) incite any person to interfere with the production, supply or distribution of food or other essential commodities or with essential services, or

(iii) seduce any member of the Armed Forces or the Forces charged with the maintenance of public order from his allegiance or his duty or prejudice the recruiting of persons to serve in any such Force or prejudice the discipline of any such Force,

(iv) promote disharmony or feelings of enmity, hatred or ill will between different religious, racial language or regional groups or castes or communities, or

(v) cause fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility, or

(vi) incite any person or any class or community of persons to commit murder, mischief or any other offence,

(b) which

(i) are defamatory of the President of India, the Vice-President of India, the Prime Minister, the Speaker of the House of the People or the Governor of a State,

(ii) are grossly indecent, or are scurrilous or obscene or intended for blackmail

Explanation I—Comments expressing disapprobation or criticism of any law of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means, and words pointing out, with a view to their removal by lawful means, matters which are producing, or have a tendency to produce disharmony of feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or castes or communities, shall not be deemed to be

objectionable matter within the meaning of this section

Explanation II—In considering whether any matter is objectionable matter under this Act, the effect of the words, signs or visible representation, and not the intention of the keeper of the press or the publisher or editor of the newspaper or news-sheet, as the case may be shall be, taken into account.

4 To illustrate what has already been stated it is advised that no news, reports and comments relating to the following shall be published

- (a) Matters which are grossly indecent or scurrilous or intended for blackmail,
- (b) Unparliamentary activities of proceedings for example dharnas, sitdown strikes, rushing to the dais, shouting, refusal to obey the Chair as they are part of the proceedings,
- (c) Matters which tend to promote enmity, hatred or ill will between different groups (regional, religious, racial, linguistic or caste),
- (d) Quotations from newspapers, journals, publications, books, which are violative of censorship regulations,
- (e) Matters expunged by the Presiding Officer,
- (f) Matters which militate against the promotion of friendly relations with foreign countries or allegations which are likely to affect the friendly relations with a foreign power;
- (g) Matters which infringe the requirements of security and integrity of the country,
- (h) Matters which tend to subvert the functioning of democratic institutions

* * *

To stress that the government's denial of pre-censorship orders was a mere fabrication, oral censor orders were received in newspaper offices from time to time. As intelligence men were in the know of the movements of reporters of the Indian Press all the world over, they knew beforehand as to what stories were landing in which papers

* * *

The dissolution of the Press Council, because, like the judiciary it was trying to act in an independent manner and perhaps was inimically disposed towards government policies in some cases, is a sordid story. The Council's decision in the Verghese case against the *Hindustan Times* precipitated matters.

Then, the merger of the news agencies, the appointment of directors of Samachar to make it the total property of Shukla, Yunus and Sanjay are harrowing tales.

In a bid to canalize the dissemination of information in all developing countries (owing allegiance to the anti democracy loving powerful countries) and with an end to throttle human rights, a pool of news agencies was created. Soviet Russia was happy that people were reversing their march and were going back so fast to the days of sovereigns, from whom man had snatched power for the rule of the majority after a five thousand year struggle.

Before we make a specific case study, we give below details, which are now available, of the strict censorship imposed on the Press in Raipur shortly after midnight on March 18-19 to prevent the publication of the murderous attack on the CPI leader, Sudhur Mukherjee, and the narrow escape of the Janata Party candidate, Purshottam Kaushik, who fought the last election against Information and Broadcasting Minister Shukla.

It seemed as if Shukla was exercising his censoring authority for the last time before his fall at the polls.

The incident which took place shortly after midnight would have been reported in the normal course in the newspapers on Saturday morning but incidentally, this was the day of polling in Raipur and the authorities did not want the incident to contribute to the success of Kaushik against Shukla. Soon after the episode the Additional District Magistrate visited the offices of different newspapers with a "directive" that any news regarding the incident should not be published under any circumstances.

The official version of the incident was made available only at 4 a.m. when the newspapers had already been published. The authorities therefore, asked the publishers not to circulate those newspapers which did not carry the official version.

The climax was reached when the Additional District Magistrate

claimed the authority of the administration and directed the editor of the *Yug Dharma* not to send out for sale in Raipur or outside copies of the newspaper carrying reports of the incident. He was directed to publish a mild version of the incident together with the official version. Even the mild version was allowed only because of the adamant attitude of the *Yug Dharma* editor. Ultimately, 4,000 copies of the *Yug Dharma* were seized under orders of the government.

Another daily, the *Nav Bharat*, had also printed the bulk of its copies to be despatched to outstations. The Railway Police were persuaded by the State government to serve a written order to the railway authorities asking them not to book any copy of the *Nav Bharat* for any destination, and to cancel any bookings already made.

A morning train was detained for one and a half hours and the bundles of the *Nav Bharat* already loaded in the train were unloaded. The *Nav Bharat* was also asked by the Additional District Magistrate to print fresh copies for circulation in the Raipur parliamentary constituency with a changed caption and giving the official version of the incident.

Finally, the *Yug Dharma* and the *Nav Bharat* with a watered down version of the incident and the official communique were allowed to be circulated in Raipur town.

We have also chosen for our readers *The Statesman* as a case study of censorship orders. It gives an insight into the total working of the Press. This is a story of the struggle between the Press and the murderers of democracy.

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THE DARK DAYS OF PRESS CENSORSHIP*

June 26 1975

The names of persons arrested were taken out from the PTI stories after they had been published in our special edition brought out in the evening.

August 19

News/comment on revocation of President's Rule in Gujarat and formation of Congress Ministry to be pre-censored

*Extracts from the *Statesman*

September 20

Correspondent's copy on Sheikh Abdullah's Press conference in Srinagar should conform to PTI story which has been censored.

September 25

No advertisement from N Korea or S Korea to be published.

* * *

Nine Opposition MPs' letter to Mrs Gandhi on her interview to the Danish paper not to be used

* * *

Nothing on trouble in Jawaharlal Nehru University to be published

(A student was forcibly taken away by plainclothes policemen from a group who had been picketing in front of the School of Languages in connexion with a three-day strike in protest against the arrest of another student)

September 26

No adverse criticism of the Ordinance on bonus by trade unions in public sector organizations will be allowed. No news of token strike

Editorial comments on bonus are permissible. These should however be within the official explanation on the bonus issue. The comments should not lead to any agitation approach. These comments are subject to pre-censorship

October 1

Nothing to be published

- 1 Clash between Youth Congress workers.
- 2 CPI demonstration before Spanish Embassy.

October 2

There should be no reference to the incident—a man (woman?) touching Mrs Gandhi's feet at Rajghat this morning.

October 8

The report on today's disturbances in Tihar Jail, Delhi, not to be carried

January 1 1976

All Parliament reports have to be censored.

"Notwithstanding anything contained in letter No 1/3/75-CC dated August 19, 1975 addressed to all accredited correspondents representing Indian news organizations representing Indian news organizations and letter No. 2/4 (III) 75-CC dated August 5, 1975, addressed to all editors in Delhi and other parts of India, and any undertaking by foreign correspondents to observe the guidelines in return for exemption of pre-censorship, the attention of accredited correspondents (including the foreign) and editors is drawn to the statutory order 275 (E) dated 26-6-75 and as amended on 12th August, 1975, made under Rule 48 (1) of the Defence and International Security of India Rules and to state all news, comments (including editorial comments) rumour or other reports relating to the proceedings of the 15th session of the Fifth Lok Sabha, 1976, and the 94th Session of the Rajya Sabha falling within the provisions of the said statutory order 275 (E) shall be submitted for scrutiny and shall not be published without permission in writing "

January 6

No report about Badr Abdul Aziz of S Arab Royal family now in Amritsar to be published.

January 12

Any story from Madras, especially statements by Karunanidhi or statements made in the State Assembly will have to be cleared by the censor officer in Madras, Mr Venkataraman. If cleared by him, the despatches need not be shown to censors in Delhi

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Statements about JP's health are to be cleared by Maharashtra censors Other comments and news about JP will have to be cleared by the censors in Delhi

January 22

Nothing on the walk-out today in the Rajya Sabha on the Bonus Bill even if passed by Parliament censors

April 19

Any demolition work around Turkman Gate, Delhi, to be cleared

April 21

Use only PIB statement on Turkman Gate incident. Not to be played up though may be on front page Headline given. Any other heading has to be pre-censored

April 22

Play down and don't criticize negotiations between Pakistan and Egypt

April 24

The story circulated by the Delhi police on the arrest of a gang stealing stamps from letters is not to be used

April 25

Reports of National Conference meeting at Jammu to be censored.

April 27

No report on the Pakistan delegation's arrival—only official statement should be used

April 28

Nothing on the "small fire" on April 27 on the TV studio-roof at Akashvani Bhavan

* * *

No news about the recent arrest of Iranian students in Delhi in front of the Iran Embassy and their subsequent release

April 29

No report or pictures of Sanjay Gandhi's walk-out from a function in his honour

May 1

No news about the air crash near Srinagar without clearance.

* * *

July 2

MNF leader Laldenga's statement to be pre-censored.

July 9

Till July 14 no picture on news/comment on the Israeli raid on Entebbe, particularly no eulogizing of it

July 10

Only Samachar version of exchanges on bilateral issues and walk-out at the News Pool Conference Any other version to be pre-censored

* * *

Security Council debate on Entebbe raid be pre-censored.

July 14

News from Washington on the cancellation of the passport of Srikumar Poddar (businessman of Hindenburg) not to be used

July 16

Report on JP's movements not to be published

July 17

No report on Gujarat Government's action in countermanding the earlier order confiscating the Navajeevan Press, Ahmedabad

July 19

Report on Jammu and Kashmir MLAs crossing the floor or forming a separate bloc to be pre-censored

July 28

No adverse news, comments or edits on the family planning programme or education in UP

News/comment on the family planning programme in UP and the education cess in UP banned

July 29

Story on the Delhi High Court order on *The Statesman* case today banned

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August 28

Kashmir Minister's statements on affairs in the State, political controversy between National conference and Congress not to be published

September 1

Public Accounts Committee Report in the Lok Sabha on purchase of furnaces from USA for ordinance factories not to be used

* * *

Today's Parliamentary proceedings to be pre-censored

September 4

News/comment of Ram Jethmalani, president, Bar Council of India—now in USA, to be pre-censored

September 7

(New Amendment to Censorship Rules)

No news or comment on family planning without pre-censorship

September 8

Do not use anything on the CRP firing over ticketless travelling at Ultadanga and Sealdah today

September 9

Re Punjab Transport Minister's statement on the bus dispute with Haryana Reference to the demand for a corridor between Ambala and Chandigarh to be deleted

September 11

No story on eye witness account of the hijackers—about their identity, nationality and intentions to be published

Doping of hijackers at Lahore before arrest to be deleted. (This was earlier passed by Censor)

September 15

News regarding Philips Petroleum of USA to be pre-censored

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Nothing on Patna firing should be published

September 20

Supreme Court proceedings on writ petition filed by the late Mr Nagi Ready, ex MLA of Andhra Pradesh, against the Chief Minister regarding contempt of court not to be used

* * *

DMK walk-out from Sarkaria Committee hearing in Madras must not be mentioned

* * *

Nyt William's interview with Mr Kewal Singh not to be published

September 27

Story on the Jaigarh treasure hunt to be pre-censored

September 28

No report on the release of two members of the *Anand Bazar Patrika* staff to be published

October 4

Fernandes' statement in court on the dynamite case not to be published

October 7

Only official version of Indo-Pakistan talks to be used

October 12

KK Maatra (MLA)'s remarks in the West Bengal Assembly about the family planning programme not to be published

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Any special report on Abdullah's Press conference to be pre-censored

* * *

No statement by Orissa Congress leaders, including JB Patnaik Dy Minister of Defence

October 14

Mr Tuhin Samanta's (C) allegation in the Assembly about

torture of girl in Narkeldanga thana Calcutta by some police men in presence of a police officer after she had complained about relatives of a police officer (not to be used)

(The complaint was that they were drunk every night and behaved objectionably and beat up members of a local club of which the girl was a member She sought redress but no one helped her but Mr Ajit Panja to get her admitted to hospital for treatment)

* * *

No story on the bomb scare in Lusaka where the Defence Minister was staying

October 16

News/comments/editorials on the sale of US arms to Iran to be pre-censored

* * *

Reports on Indo Nepalese border restrictions to be pre-censored

November 4

Any story on Gujarat High Court proceedings on transfer of judges to be pre-censored

November 11

Story on Gujarat High Court proceedings on transfer of judges to be pre-censored

November 15

Nothing on trouble in Jalpalguri to be published

November 19

Statement against Siddhartha Ray by Nityananda De Sanat Ray and Nurul Islam not to be published

November 21

Speeches of Mrs Ambika Soni and Mahesh Yogi at AICC session not to be given Take Samachar copy as model for PM's speech

November 30

In any report on the supplementary budget in MP Assembly reference to the provision for subscription to the *National Herald* to be deleted

December 10

Use only the Samachar version of the Connaught Place telephone exchange fire.

* * *

No statement by Chief Ministers or Congress leaders on Sanjay Gandhi's birthday on Dec. 14 to be published

* * *

No report on the supply of US jet fighters (Skyhawks) to India, except official announcement.

* * *

Any statement by Orissa Congress leaders, including JB Patnaik, to be censored

December 16

No speech or statement on apartheid by Mr AM Mullah, chairman, S African Indian Council

December 19

No stories/comment relating to intra-party rivalries in the Congress and between the Youth Congress and the All India Congress—particularly in case of West Bengal, Orissa and Kerala.

December 23

Dr Miss Hulgol's statement in the dynamite case in the Delhi Metropolitan Magistrate's Court not to be published.

* * *

Stories/articles on insurgency in North-Eastern region to be pre-censored.

* * *

Stories on Jinnah centenary function and presentation of medals to be given in low key.

December 28

Nothing to be carried about the collapse of the TV tower under construction at Raipur Samachar report may be used.

December 30

Bombay SR's story on Maharashtra Congress differences to be cleared in Bombay but publication of stories on Congress differences is against censorship instructions

January 8 1977

All stories on intra-party affairs in the Congress as well as the Youth Congress, including meetings of leaders, to be pre-censored

January 10

News reports regarding the judgment in the Dalmia-Jain Airways case not to be published

* * *

The I & B Ministry's White Paper has stated that about 50,000 items were used by government media to build up Mrs Gandhi's image and that of Sanjay during the Emergency Newspapers and news agencies and government departments were turned into handmaids of Sanjay as if they were his personal property

Orders were issued to kill items against Russia and play up items against the USA (Such policies were followed not only for stories in India but also from our correspondents in other countries)

A complete blackout of Mujib's murder for quite some time and the publication of only guided stories later indicated a fear complex entertained by Mrs Gandhi who did not want to tell people that a dictator could meet such an end

Mrs Gandhi showed great exuberance over the success of Bhutto through rigged elections in Pakistan This clearly reflected her state of mind She wanted to impress thereby that a dictator could also romp home with public support

I therefore suggested to Atal Behari Vajpayee when he came to the Press Club before the March, 1977 elections to refute Mrs Gandhi's claim that Bhutto had won in Pakistan because of his popularity He had rigged the elections and won because he

relaxed freedom slightly which was so ruthlessly strangled during Yahya Khan's rule. So it was a people's choice between two evils. And they opted for the lesser one. Vajpayee was kind enough to have agreed to declare this to satisfy my sentiments.

The constant exchange between Mrs Gandhi and Sri Lanka's Sirimavo Bandaranaike under the influence of a powerful dicto-democracy reflected a spirit of "birds of a feather flock together".

Thus, a strict control and superintendence of news through censors as a policy at home and a guided canalization of its gathering and dissemination through the newly conceived news pool for developing countries were part of a major international conspiracy to turn Asian democracies into dictatorships.

The conspiracy met with a setback because of the defeat of the dictators one after the other in one form or another. It is now plain even to the layman that censorship is merely another name for dictatorship which if resorted to in modern times will crumble like a house of cards.

5

Some Lies, Some Truths

We have read in the previous chapter how news was suppressed. Some of even the then Prime Minister's speeches were taboo for All India Radio and TV they were banned because the truth could not be publicly broadcast as per the norms of the Emergency, and quotations from Gandhi, Nehru and Tagore were not allowed to be used unless cleared from above. Vinoba Bhave's writings, speeches and activities were also not permitted by the censor to be published. Vinoba's journal was once seized by the police and most copies burnt, as a protest against which Vinoba declared his intention to go on an indefinite fast, on the pretext of launching an anti-cow slaughter movement. Cow politics, it may be recorded, had never been a basic plank of the Gandhians—in fact Gandhi had once ordered the mercy killing of a calf, and Vinoba had supported Gandhi's step. The fact as to why Vinoba went on a fast was not allowed to be carried by newspapers, for the cause of the fast was the *sadhu's* protest against the continuance of the Emergency.

But, the authorities were not even living in a fool's paradise when they thought they had by "magic" caused the news to "evaporate". The truth is that each and every hidden fact was

June 26 the said poster in thousands was displayed in every nook and corner of Delhi. The passers-by smiled mischievously at the harassed policemen on their poster removing spree. Suspecting that these smiling men might be the men behind the job the police made mass scale arrests but, alas, they failed to catch the "culprits".

In the meantime reports came from the Prime Minister's house that such a poster had been found hanging on the very walls of Mrs Gandhi's bedroom too!

This was how the underground agitators celebrated the first anniversary of the Black Wednesday. The bureaucracy on the other hand was jubilantly celebrating the anniversary of the 25th June along with the Youth Congress and other apparent supporters of Mrs Gandhi, silently warning us that this was only the first anniversary of perpetual dictatorship. All this only added to the zeal of the underground agitators.

By throttling freedom the government was never really able to suppress free circulation of news and by its Goebellian publicity it was also not able to convince the common man that the underground propagandists were not non violent. They could always break the barriers of security without being detected too. The bureaucracy had abided by the Loknayak's advice that they should not obey any wrong and illegal orders and they did go by their conscience and knew what was the truth and what a lie. Their judgement was based on the sermons of Lord Krishna as enunciated in the *Gita* that if a butcher following his victim asked which way it had gone, he should be misdirected, and his victim saved. The apparent lie, at that moment, then turns into a truth.

Underground literature, its publication, and its distribution continued unchecked, unabated and its source undiscovered by Indira's men. We knew among our friends who was what and silently and literally the pamphlets passed from hand to hand until they actually fell to pieces and had to be thrown away, but not before at least a hundred people had already read each one of them.

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It is well known now how a number of leaders guiding the opposition movement defied arrest. How dramatically Subramaniam Swamy entered a Rajya Sabha session, marked his

attendance, collected all his old dues, and sneaked away after shaking Om Mehta by the hand is a thrilling episode. The security men allowed him to go despite the fact that the caucus and their police parties had been after him since the promulgation of the Emergency. All airports were sealed for Swamy, but still he managed to fly back to Europe to forestall the government propaganda that the innocent mass of people were in any way being misled. If they had really wanted to murder any of those in authority, no one could have prevented them from doing so, for the citadels of power were seething with supporters of these victims of the Emergency. It was foolish therefore to suggest that there was any danger of violence to the government from any underground workers during the Emergency period.

If Mrs Gandhi felt she was unsafe, it was due to haunting guilt and personal insecurity. She had caused mental and physical torture to so many who had become personal enemies, and one or two such persons did make an attack or two on her and Sanjay. Like all dictators, Mrs Gandhi was also not really safe. She was the target of an unsuccessful pistol shot during her visit to Sri Lanka where she had gone to attend a so-called non-aligned conference of some heads of government. This happened despite fantastic security arrangements not normally available to other dictators. This 'powerful' woman had to be airdropped every day from the conference venue to her residence in Sri Lanka for the sake of her personal safety. When she invited some heads of government for an At Home many of them decided to decline the offer with thanks. This was how respected and well received she was by the people, for she now represented not the old free nation, but a mass of millions of slaves whose trust she had betrayed.

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This state of affairs resulted in her having a series of severe nervous breakdowns, often forcing her doctors to prescribe strong sedatives, sleeping pills and injections. Nightmares started destroying her peace of mind, particularly after Mujib's assassination.

It was a little before midnight between August 14 and 15 of 1975, the Independence Days of Pakistan and India respectively. A distress call from Bangla Desh that Mujibur

Rahman and other members of his family were in imminent danger of being assassinated brought her out of her bedroom, keeping her awake almost the whole night. She was dumb-founded when in the early hours of 15th August she received the bad news that the killers of Dacca had done their foul deed. A helicopter despatched earlier by New Delhi to land near Mujib's residence had failed to do the needful. Parleys among the top runners of Mrs Gandhi's 'kitchen Cabinet' favoured her staying away from the 15th August Parade at Red Fort. Arrangements were immediately made to withhold the Bangla Desh news from Radio and other media. The fear was that the underground Indian workers of the would-be Janata Party might be inspired by the assassins of Bangla Desh.

Like Caesar, who had insisted, despite the danger of the famous Ides of March, that he "shall forth", Mrs Gandhi also decided to go ahead and address the rally from the ramparts of Red Fort.

The security ring was tightened further. I had learnt from a security man only that Bangla Desh Radio had announced the news of Mujib's tragic end at 4 a.m. I was cautioned to keep the information to myself not merely for Indira's safety but for my own—no doubt the truth could not be spoken except in whispers.

Mrs Gandhi, like an eighteenth century army sepoy going into battle had fortified herself with bullet proof underwear. Her face was pale with fear she was haggard but still she rose to utter lies from the new rostrum which had this time been built not only at a safe distance from her voters but also at a safe angle. A special hood at the mike stand provided sufficient cover from any ill-intentioned audience. (In the same manner she had also gone far away from her own kith and kin too.) She had already got two cars with bullet proof glass unprecedentedly and specially made by a Jaipur firm at unbearable cost to our economy.

Her route from No 1 Safdarjang Road to the Red Fort venue was strongly guarded. Those who usually rushed to their house tops in Daryaganj to watch the annual parades and processions were unceremoniously dragged down to give place to plainclothesmen who now swarmed the housetops for security reasons. Anyway, nothing untoward happened. Mrs Gandhi

reached safely. With a hidden secret in her bosom, of the violent end of another dictator, she began her speech by referring to a report—her own concoction—that a certain group among the opposition parties had described the national flag as a mere tatter of cloth. She raised her voice demanding cheers and claps from the audience, but there were none. Expressionless faces looked at her with the suspicion and disdain which she never understood.

Thus the fear psychosis termed as discipline gripped not only the whole nation but also herself. And there may be some truth in David Frost's BBC TV report that she felt a sense of relief on hearing that she had been defeated at the polls.

There is no doubt she is a schizophrenic, always talking ambivalently. A sense of relief and a simultaneous jolt of grief must have put her mind out of balance forbidding her to announce her resignation—the usual gesture of courtesy by an elected head—soon after she learnt of her Party's debacle. Far more serious than that was her own defeat, a phenomenon unprecedented in world history. She did not resign, as the later reports confirm, because she wanted to stage a coup or buy up Legislators and others who could put her back on the wheels of a "derailed democracy." As it now appears, it was possible to put democracy back on the rails only without her, and not at all when she was present on the scene. The whole "ammunition" of currency notes collected so far during the "decade of achievement" was gathered at the "fort" at 1, Safdarjang Road to entice her opponents to put her back "respectably" on the saddle which by now had actually fallen and was being trampled underfoot.

It is also an open secret how during the whole night a battle of arguments had gone on between the Election Commission's staff and Mrs. Gandhi's agents at Rae Bareilly. The latter had resisted the declaration of the result on flimsy grounds with the heinous intention of blowing up the station where the counting had favoured Raj Narain as against the artificially made out "most popular and powerful" woman of the world. She now knows full well that the power she derived was from the people and she was only a trustee of that power as the head of a government, who can best live only as a repository of that trust and not as a poacher.

This woman is capable of destroying the world for her own self preservation. When she heard of her legal defeat at Allahabad High Court, she no doubt continued to cling to her decision to resign as long as she was outside her living room encircled by numerous sychophants, including the famous Yash Pal Kapoor. She silently heard Kapoor, tell those present in her house to "organize the burning of Delhi. If *Deuji* goes, the world is doomed for us." And he shouted again, "I say go and burn the buses, derail the trains." Mrs Gandhi, who had gone inside for a while and come back after wearing the particular necklace given to her to ward off all evil, approbatingly announced, 'I think I can continue.' There was silence for a moment and again a kind of commotion and a decision was taken soon to organize rallies against the judgement of Justice Sinha. 'The judiciary is treacherous. The judges are corrupt, scoundrels. What is after all a slight malpractice they have bloated as if *Bahinji* had committed a very big crime—,' and so on and so forth the suggestions by all and sundry poured out regarding the judges, the judgement and the future of the judiciary. The whole story is a real drama whose first scene was a definite prelude to what would happen to this country afterwards.

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Yash Pal Kapoor has risen from the ranks—not that any one has any quarrel with that—but that a man of his moral calibre has risen at all is a sad commentary on the helmsmen of India. I need not repeat that he and the caucus have been accused of every kind of human weakness, sexual, financial and moral. That Kapoor, Sanjay and Kuldip Narang were members of the team that disturbed the girls of Miranda House one night, is well known. Perhaps sex is a natural urge and we need not quarrel with this but the tragedy is that the binding force between these aspiring leaders of the country was no political ideology but only common human weaknesses. That Yunus' son and Indira's son were friendly enough to be allegedly involved in a case of vehicle theft, and that the parents of both and later their progeny too should unite to aspire to rule India makes an amusing situation if it wasn't so sad. Kuldip Narang the industrialist was tipped for a Rajya Sabha seat merely because

he was once a senior member of the gang which raided Miranda House one night, and the Rajya Sabha seat was denied to him later only because some respectable Party members suggested that the offer be postponed until public memory, short as it is, forgot the episode Mrs Gandhi might deny all that the coterie had been engaged in, throughout the period of Emergency, but her denials must not be taken seriously. She had once denied that Sanjay was at all interested in politics. She was shown on TV declaring that "Sanjay is not going to join politics." People, she said, were spreading rumours unnecessarily. At the same time preparations to nurse the Amethi seat for Sanjay were under way! When a Prime Minister talks, it must mean sense and be the truth. She denied that the rupee would be devalued and then it was devalued. She denied that there was a communist proposal with the government to take over the food-grain trade, and it was taken over. She then denied that the takeover was being annulled, and the scheme was scrapped. There would be no elections, she declared and got the declaration authenticated through Om Mehta a week before the 1977 elections were actually announced. She did not want to become a dictator, she said, but she got it announced through Shashi Bhushan that there was need for a limited dictatorship in the country.

It can now be verified from page 51 of my book *Indian Elections Since Independence* published in 1972, that I had suspected that the laws of the land might be changed. I also suspected that this woman might order that elections could not be held in 1975, when they were due. I reiterated this fact in a later publication, *The Supreme Court on Elections*. Her denials and her assertions are usually far from the truth. How many times she told a lie in the court of law at Allahabad can be better judged from the statement of the court.

In numerous interviews she claimed that she did not believe in superstition, or religious advisers or astrologers. It was all false. Again there is nothing wrong in believing in these things but denying one's beliefs is morally wrong. Morarji Desai or Raj Narain have never hidden their beliefs. Her purpose in these denials was the propagation among the minorities that she was secular in approach like her father. To share my knowledge with my readers, I once learnt that an astrologer had

advised her to go to the Tirupati temple and make an offering of her hair to its deity. She had inveigled the astrologer into allowing her to place before the gods only one hair and not all, as a gesture of faith. The necklace earlier mentioned is a religious thing with her. It was an astrologically influenced decision to hold elections before her birthday in November 1975 or not at all for at least a year. My *Supreme Court on Elections* had clearly predicted this fact. Only during the Emergency was I shadowed by intelligence men, when the Customs held back the book for political reasons.

Being illogical, she does things impulsively rather than rationally and yet she had been successful in persuading people to believe that she was endowed with sagacity and reason.

Like the *yogi* of Tughlaq's reign mentioned in the first chapter, she has a *yogi* to advise her. She has an astrologer, too, on whom she banks for advice on all matters of importance including even those connected with the reshuffling of her Cabinets. Once she took upon herself the role of an arbitrator between Haryana and Punjab and promised to render judgement on the inclusion of Chandigarh in one of these states. I knew that she was delaying the announcement of the decision merely for astrological reasons. During a Press conference I mentioned this fact to my colleagues on my left and right and bragged that if I asked her a question on Chandigarh, she would not answer as her lips had been sealed on this issue by godly fear. The Press conference was about to be over when put came the question from me. She kept mum, as I'd predicted. I repeated my question and still she ignored it. "Madam Prime Minister has probably not heard me," I said loudly, to her embarrassment, so that she said she had not yet decided about the matter. There was nothing substantial in the answer, yet there were banner headlines in the next day's newspapers. Editors' independence cannot be questioned, but I can certainly question the calibre of those editors who have made a goddess out of her. Then look at Hussain the painter whom the *maulvis* would like to dub *lafir* for his Emergency pictures deifying her. All Muslims must have resented his artistic infidelity. I remember how once there was a dispute with regard to the Congress election symbol pending before the Election Commissioner of India. SP Sen-Verma who was holding the post in those days was to render the decision shortly.

When I met him I did not have the audacity to ask a question regarding the symbol to satisfy my curiosity but I did want to know his views on different political leaders. He poohpoohed everyone from among the Organisational Congress which was now being treated separately from the Indira Congress which had split under her leadership in 1969, from the united body. When I mentioned Mrs Gandhi's name he came out enthusiastically in praise of her. Whatever else he stated can be imagined when I repeat one sentence that I remember distinctly even today "Shiv Lal, she is a Chandi come for the deliverance of this nation". He being a Bengali Hindu, had compared her to what was for him the greatest goddess, Chandi. It was sufficient indication of his decision on the symbols case. For others it may be a joke and perhaps religious infidelity but for Sen-Verma it meant a cosy job as member of the Law Commission after his retirement as the Chief Election Commissioner of India, a constitutionally independent post. For the granting of complete independence to the Election Commission in the initial stages he had worked as much I did in publicizing his ideology, to which he now blinkered his eyes forever.

Now we take up the story of Jagjivan Ram, another ally of Mrs Gandhi's during the Emergency. The venue was the Press Club of India. This seniormost member of her Cabinet had accepted our invitation to be our luncheon guest. The horrible hush that had permeated millions of throats throughout the length and breadth of the country, and acted as a kind of cog to many voices, including those of the Ministers, since the day of the promulgation of the Emergency, had started melting away slowly. The befuddled mass of people who had so far remained dumbfounded had begun talking again in husky voices. The journalists who in the early stages did not quite know what to do had by now firmly decided to act at the beck and call of any Tom, Dick and Harry even remotely connected with the heinous mother and the son, Indira and Sanjay.

These masters of the pen had hardly set their eyes on the luncheon table of the club laden with dainties, than a flock of plainclothesmen, like watchful kites, pounced upon the food. It was of course the peremptory right of the CID and the CBI men to know what the journalists talked about and, above all, what they ate, along with their guests! Their presence amidst

us was, therefore, apt. But there were still some among us who thought that it was none of their business to enter our hearths and homes in this manner. Intrigued by the arrogance and the audacity of these "aliens" sent by Indira Gandhi to spy on us, I could not help shouting at these plainclothesmen and ordering them one by one to leave the premises immediately. As a member of the Managing Committee I assumed for myself this role without much support from any and therefore very soon I lost the high tempo of authority that I had built up for myself. Realizing that I had blurted out a sentence or two derogatory to Mrs Indira Gandhi within the hearing of Jagjivan Ram, I tried to recede in a rather dignified manner. How to retrieve the situation was my problem. I over stepped my jurisdiction to put the straightforward and embarrassing question, 'Babuji, do you need protection from us the lambs of society? Why have you brought so many security men?'

In approbation of my courage and perhaps by way of condemnation of the system which had caused him suffocation he said plainly, "I do not want them," and narrated how during an exalted meeting of the Congress Working Committee which was not open even to the Press, he found a Gandhi capped "intruder" participating like an observer. When he learnt that he was "Indiraji's security man" he too shouted at the man as I did. The Babu smilingly admitted that he had failed to turn out the outsider whereas I had been successful in scaring away the security men from the Press Club.

I now recall in retrospect that the story going the rounds about Jagjivan Ram being under house arrest during the first one or two weeks of the promulgation of the Emergency was not untrue. The arrest, I understand was executed quite informally. His telephone was "out of order" for some time. Later on it was tapped as a regular practice—and Babuji was "advised not to go out for his personal safety," etc., etc. The Babu announced from an election campaign platform that he was suffocated during his tenure as a Cabinet Minister during the Emergency.

I sense he suffered from a fear complex. He had told a gathering that if he had leaked out news of his resignation from the Congress "even five minutes earlier" he would perhaps have been liquidated.

He had exhibited this fear earlier once, after the Press Club

incident, when I met him on assignment to do a story for TV on the Irrigation and Power departments of the Government of India. Seeing me, and perhaps suspecting me of being one of "Indiraji's security corps" he went all out of context and out of schedule and out of the way to have a few sentences in praise of Mrs Gandhi recorded for broadcast. That was the Emergency!

When Chandra Shekhar, now chief of the Janata Party, sent a stinker from Patiala Jail to him, saying, "Babuji, you have deceived us," the Babu calmly listened to the messenger and said, "Wait and watch. This woman is going to be crushed by the mere weight of her follies." The seniormost Minister of her Cabinet was right, and being old enough to understand "the child's mind" he had predicted events correctly. Jagjivan Ram acted with sagacity when he continued sticking like a leech to his Ministry, and his step stood the Janata Party in good stead ultimately.

Krishan Kant was even wiser—the only one among the Young Turks who had no inhibitions, no scepticism about Mrs Gandhi. Having found her out, like me, soon after her election in 1971, he told his close friends, one day, this story in lighter vein. "Have you heard the story of Napoleon? He sent one of his confidants to discover if all his opponents had been eliminated. The confidant came back with the report that there were only two kinds left, the ones that out of fear had been subdued and the others, who agreed with the General. The General", Krishan Kant said, "ordered that 'those who agree with me must be eliminated first, for those afraid of me will never raise their heads'." Kant jocularly added that he was one of the ones who agreed with the woman! How prophetic were his words and how clear he was in his mind about Mrs Gandhi! A few years later he had to pay for his agreeing with her.

The late Durga Dass, Chief Editor of the *Hindustan Times*, once told Swaran Singh that Mrs Gandhi was like a cat. Swaran retorted, "And we in her Cabinet are pigeons who shut our eyes when she appears, in the vain hope that she will not attack." And both the journalist and the politician had a hearty laugh and went on with their breakfast over which they were discussing the then Prime Minister, years before the Emergency, at Durga Dass' 2 Keeling Lane house. The Cabinet Ministers indeed were all not necessarily in agreement with her but they feared

her and that is why Inder Gujral and Saropani Mahishi who I personally heard criticizing their 'boss', continued in office, for the boss knew these pigmies were of no importance

The fault is with the system, which empowers the Prime Minister to appoint or dis appoint Members of Parliament, as stated elsewhere for then these Members of Parliament always cowardly cringe in the hope that they may perhaps be offered some meaningful post Why does Morarji not behave in the same way? Because he heads a collective leadership of a conglomerate of parties, and is not the only undisputed leader of the country, the chief of an oligarchy, as Mrs Gandhi was

It was only with the help of the armed forces that Mrs Gandhi could rule, otherwise she was not brave but timid She was afraid of astrologers, she was afraid of Shastri's ghost and that is why she did not shift to 10 Jan Path, which was turned into the Prime Minister's residence, she refused to go out without a personal body guard unlike her predecessors—we have given instances of her being excessively security conscious unlike Jawaharlal or Morarji or even Lal Bahadur

Take the Bangla Desh War from which this woman emerged a heroine The war was fought, no doubt, by our generals, troops and soliders The only contribution that a statesman makes in a war is his or her view of the benefits war leaves for the country But not her I claim, as I did during the war itself, through my book *Sectarian Politics in India and Pakistan Since 1857* that this war was fought by her for purely selfish reasons—to make her a heroine—for she had learnt how Shastri was praised for the earlier war by *jawans* and *kisans* alike I had also in my book *Indian Elections Since Independence* clearly stated how in the event of such a situation warranting the holding or postponing of elections, the rulers would want either to wage a war or display our advanced nuclear energy I had sensed much before the actual nuclear explosion in the Thar desert that such an explosion would take place I had also sensed she would postpone the elections and I had put all this on record although no one would have believed me at the time I sensed this because I understand the mind of a personality like Tughlaq The bogies of merger or of independence of neighbouring states does not help the country but only its rulers who thus perpetuate or expand the area of their power The common man does not gain

at all. He gains only if the seat of the rulers is near his home. Perhaps the head of a panchayat or a district board or a small autonomous State is of much more use to him than such a vast country's Prime Minister, who in actuality draws on him for the sustenance of his or her rule over him and his tribe, and refuses to even recognize him later, when his usefulness is over.

To take the readers to the side issue of the failure of our objective in the Bangla Desh war, I may point out that the five major aims of the war have by now been squarely defeated. Firstly the influx of the refugees and the activities of the infiltrators in the North East Hills have not abated. Secondly, the import-export trade objectives such as export of finished goods and import of raw material and tons and tons of fish, as was so widely publicized, have been ruthlessly belied. Thirdly the phony, much publicized amity, during the war, between India and Bangla Desh has proved to be a myth. Fourthly the state of the economy of India which I feared would be destroyed, and warned against then, has come to be, as is evident from the events that followed. Lastly the ideal of democracy which Bangla Desh was supposed to copy from India was abandoned, and in fact India was well on its way to follow Bangla Desh in its aims of one party rule, or dictatorship.

I must not allow my readers to carry the impression that everyone who didn't speak out was fearful of authority. I know of people who privately talked boldly against the Emergency, its means and methods, and were in search of a proper platform and the proper occasion to air their views.

The role of some journalists was commendable too. The National Union of Journalists held an open meeting at the Constitution Club. Although everyone in the initial stages of the meeting was afraid of opening his mouth, including BG Verghese, Ajit Bhattacharjee and DR Mankekar, when Shamim, a Member of Parliament, who brings out a journal from Srinagar, took a bold stand and lashed out at the administrators and journalists who had contributed to the deteriorating situation during the Emergency, some of us wanted to agree. All the journalists present there were considered to be anti-Emergency because they represented a point of view opposed to that of the Indian Federation of Working Journalists, which had sold itself to the fellow travellers who were all for supporting the Emergency.

her employing of the government media for self-preservation, and (iii) the letters, articles, cartoons, posters and other prohibited material which was in underground circulation to influence people of various echelons, and ultimately to demolish the myth that a democratic constitution would stand in the way of India's progress

Balraj Madhok should get the credit for the idea of circulating printed pamphlets. Among those opposed to Mrs Gandhi's dictatorial rule, his was a single-handed venture first initiated from Hardwar, on June 29 1975, and taken over a fortnight later by the Lok Sangharsh Samiti under the chairmanship of Morarji Desai

Madhok told his secret readers on July 25 1975, itself, in not very uncertain terms that. "In fact the present crisis created by Mrs Gandhi to save her seat of power can prove a blessing in disguise, if it impels the opposition leadership to do some introspection. Let the process of merger of parties to create a new national Party on the basis of nationalism, democracy, social welfare and religious impartialism be accelerated so that *such a Party comes into being well before the next election*. The people will surely vote for such a party and bring about a *change through the ballotbox* in spite of all that Mrs Gandhi and her minions may do .."

He appealed to the then opposition to "start working on the lines suggested above. We have lost a battle and not the war. Ultimate victory of democracy, freedom and truth is not in doubt. But we will have to follow strictly constitutional and *democratic means*."

How prophetic, how clear and how reasonable Madhok was in his approach. But he was maligned by vested interests.

In another such pamphlet Madok narrated the events right from June 12 1975, when the Allahabad High Court gave a verdict against Mrs Gandhi and stressed that "the only way to checkmate the designs is to awaken public opinion and prepare the people for a *peaceful and non violent struggle* to safeguard freedom and democracy. The conditions under British rule were definitely better than those under Indira's rule .. Her policies have denied a large majority of the people not only their daily bread but what is more, she has taken away their liberty

also " So Madhok not only hoped that India would ultimately be free but also urged the building up of public opinion

Sangharsh Samiti pamphlets followed suit and at regular intervals the eagerly awaiting people were given news which was otherwise banned

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Mrs Gandhi's aims could never be fulfilled because of the vastness of this divergent country The facade of "one leader one country" has never held good in India's case Even the best and worst of the kings of the past were never able to hold charge of the whole country peacefully There were always revolts The revolts are perhaps mellow in a democracy, but they cannot be suppressed by dictators The apparent calm was indeed a commotion perceptible only to the wide awake men Those *satyagrahis* in danger of being detected or arrested in various parts of the country were hustled into states ruled by non Congress governments like Gujarat and Tamil Nadu, which provided safe asylum to these outlaws

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It may be recorded, however, that those who were later underground workers were at first completely flabbergasted and taken unawares by the government move The leaders, I must plainly say, had not organized a plan of resistance or their future, and the result was that the movement was almost frittered away in the initial stages Later on the movement gathered a little momentum with the help of not only the future constituents of the Janata Party but also other supporters like the Akalis who worked tirelessly and in a much better organized manner than the Rashtriya Swayam Sevak Sangh The Sangh's role cannot, of course, be belittled It held regular *shakhas* during the Emergency These gatherings were not in the formal shape of the usual morning parades that they hold, but in the shape of evening walks and informal 'chit chat parties' whose real purpose no one was able to detect In this manner the literature reached many hearths and homes, keeping alive the people's desire to achieve liberty A plan for *satyagraha* was chalked out at a meeting in New Delhi and twelve guidelines were issued for the *satyagrahis*

The *satyagrahis* strictly followed the guidelines, which were twelve in number and circulated before the *satyagraha* was actually launched

Guidelines

- 1 The date that has been fixed for the commencement of *satyagraha* will be communicated to you by the bearer
- 2 All programmes of *satyagraha* that we undertake should be completely peaceful, and non violent, and organized on the patterns outlined by Gandhiji.
- 3 The forms of *satyagraha* must be chosen on the Gandhian model. Only prohibitory orders that suppress civil liberties, fundamental rights, the basic rights of workers, students, etc should be chosen for defiance. Such defiance can take the form of breaking the bans on processions, meetings, peaceful assembly of persons, shouting of slogans, picketing, producing and circulating news sheets and bulletins, exercising or supporting the basic rights of workers, peasants, Adivasis, Harijans and other weaker sections. The State Sangharsh Samitis will provide the guide lines and the general strategy for the programmes in the State.
- 4 The District Sangharsh Samiti should have the freedom to choose such forms of *satyagraha* as will have maximum impact on the public and the government. In choosing the sites of the *satyagraha*, the District Samiti should (a) see that the *satyagraha* takes place in as many *tehsils* or Blocks as possible, (b) take into consideration local grievances or the grievances of specific groups within the area that can maximize the participation of different groups of people in the *satyagraha*, and (c) give preference to sites where the *satyagraha* will be witnessed by a large number of people through whom reports can percolate to the villages.
- 5 The District Samiti should be left free to determine the frequency of *satyagraha* programmes in the week, and the number of *satyagrahis* in every batch, subject to the general time frame that we have discussed and the need to have at least one programme in every district every week.
- 6 The State Samiti can decide that additional local issues should be incorporated in the statement on objectives that

may be published locally But the attempt should be to limit such additions to the minimum—so that the main focus on the national issues remains clear and paramount

- 7 During the pendency of the jail term *satyagrahis* who have voluntarily broken laws or prohibitory orders will not seek release on bail when being tried for the 'offences' which they have chosen to commit
- 8 But each District Samiti should approach sympathetic members of the District Samiti Bar Association and set up a *Legal Assistance Committee which will help prisoners and detainees to contest* (1) false charges (2) illegal orders and (3) illegal or untenable invocation of executive powers
- 9 District Samitis should make arrangements to keep in touch with the families of *satyagrahis* to help in mitigating difficulties and hardship Where possible, this work should be entrusted to a separate committee or a few persons who are not likely to be arrested
Each State should send a weekly report to the Centre based on the reports it has received from the districts and send out a weekly bulletin to the district
- 10 Each District Samiti should send a weekly report to the State Samiti detailing the places where *satyagraha* was offered, the number of *satyagrahas* offered, the number of *satyagrahis* arrested, the duration of sentences, the form of *satyagraha*, the impact on different sections, names of important leaders who offered *satyagraha*, etc Without such reports it will not be possible for each district to receive a report of what is happening in the country
- 11 Each district or every two districts must attempt to bring out bulletins based on All India news digests that they will receive, and they must see that these bulletins reach leaders in all walks of life including students, lawyers, Government servants, doctors, traders, workers, peasants, etc They should also put up printed or handwritten posters before and after the commencement of the *satyagraha*
- 12 State and District Samitis should appeal for a day of fasting and prayer on the day that the *satyagraha* begins.

This can be observed by all citizens, those in detention, those outside and those abroad. Students should be asked to rise in their seats at an appointed hour on that day, and stand and observe silence and offer silent prayer for two minutes. We should try to see that this programme is organized in every school and college.

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Another pamphlet supposed to have been circulated in July 1975 from 7, Jantar Mantar Road, New Delhi, from the Lok Sangharsh Samiti Central Office was an open letter to 'Dear Brothers and Sisters'. The letter was signed by Nana Deshmukh who had not yet been arrested. The printed names on the letterhead included those of Morarji Desai, President, Nana Deshmukh, Secretary, and Asoka Mehta, Treasurer.

The letter said

'From 1857, it took ninety years to liberate our motherland. For this cherished goal, our fathers and mothers suffered untold tribulation and made countless sacrifices. Men and women in their prime of life went gallantly to their execution. Young boys and girls bravely faced bullets. Patriots were exiled from their own dear motherland. Thousands suffered privation and destitution in jails for years together. But, for the freedom of the nation, not one of them wilted under pressure of the foreign ruler.

Freedom was won in 1947. Centuries of slavery came to an end. India rose proudly amongst the comity of nations as the world's largest democracy. Other countries under the yoke of imperialism looked towards us for inspiration in their darkness. Every person in our country glowed in his realized dream. The Indian citizen was now free and endowed with inalienable fundamental rights.

But in the early hours of June 26 1975, one individual, Mrs Indira Gandhi, in her psychotic desire to remain Prime Minister betrayed the nation and the priceless sacrifices of earlier generations. Under the guise of internal Emergency, the people of India have once again been subjugated, this time by a native despot.

These Hitlerian acts of despotism have sought to be hidden

from the public eye by imposition of a press censorship. Now only official lies, falsehoods, and half truths can be printed in newspapers. Even under British Imperialism, this kind of censorship was not clamped. The nation in those days knew through newspapers of the arrests of national leaders, the protests of the people in various parts of the country, the progress of Subhash Bose's INA and this too at a time when our leaders had openly avowed to overthrow the British Indian Government, and while Britain was involved in World War II. Obviously Mrs Gandhi is even more desperate for she knows that she does not enjoy the confidence of nation, and the real news has to be kept away from the people.

In the 9½ years that Mrs Indira Gandhi has been Prime Minister shortages, pestilence and starvation have increased. Injustice, immorality and corruption have multiplied. Inflation, unemployment and disparity have pushed the people to destitution. Fraud and bribery have crossed all limits. Rank opportunism and naked lust for office have ruined national politics. At every level, Mrs Gandhi's stewardship of the nation has only led to deterioration.

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For the method of formation of Samitis for the *satyagraha* and the proper implementation of the objectives of the *satyagraha*, the following 21 point programme was chalked out:

- 1 Form with your friends teams consisting of two or three persons
- 2 In cities by streets, in districts, by villages, establish Lok Sangharsh Samitis (LSS) and Chhatra Sangharsh Samitis (CSS). With the help of the teams set up a network of LSS and CSS.
Remember these Samitis must contain representatives of all sections except pro Russian communists. In particular representatives of *sarvodaya* workers, labourers, cultural and social workers and small traders should also be included.
- 3 There should be one convenor per Samiti.
- 4 The inter Samiti communication system should be worked out.
- 5 There should be no discrimination of caste, religion, or

profession Only loyalty to the cause should be ascertained The evils of dictatorship should be explained to all sections including Government officials and employees and the police

- 6 The poor, weak and downtrodden sections whose entire time goes to eke out their existence should be given special attention These too must understand the situation
- 7 In big towns, leaflets should be printed once a week giving news, views, and programmes This should be distributed in district courts especially to villagers who will transmit it to rural interiors
- 8 In bazars, fairs, etc pamphlets/leaflets should be distributed There should be slogan shouting and where possible, processions
- 9 On old newspapers, using red ink, posters should be prepared and stuck on in prominent places In villages, slogans should be handwritten on available walls
- 10 Constantly contradict the news given in All India Radio with facts to make AIR totally incredible Newspapers also give only censored news
- 11 Obtain correct news have it written up and pasted in a prominent place so that the public may know the truth
- 12 In by lanes and wards and in villages, the Lok Sangharsh Samiti's existence and function should be known to every household
- 13 Amongst the people, adults and children, the spirit of fearlessness must be inculcated Each person must feel self-confident and conscious of his capacity
- 14 Prepare a black list of Indira Congress and CPI leaders and workers in your district You should leave out of the list those who openly condemn Indira's dictatorship and render you material help
- 15 Make the normal activities of those on the black list socially difficult They are agents of Russia in the current dictatorship
- 16 Form local area or village teams of three to four women each These teams should visit the housewives of their area, and urge them to inspire their husbands to resist Indira Gandhi's dictatorship and help support Jayaprakash Narayan's concept of Janata Sarkar

17. Boys and girls under the age of 14 should be educated to meet the children (of the same age group) of the local Indira Congress and Russian Communists and persuade them to support the resistance and struggle against dictatorship
18. On the walls of the houses of the Indira collaborators the following and only the following slogans should be painted in black. Enemies of the Poor People, Murderers of Democracy, Running Dogs of Indira Gandhi, The People Boycott you!
19. Those who lend sustained help to the cause of freedom and the struggle should be decorated as "Bharatvir" and "Bharat Virangana".
20. Visit the houses of those arrested, and offer them solace and comfort. Help them in their daily problems to the greatest extent possible
21. Wherever a Congress minister visits, there should be a black flag protest demonstration.

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The *satyagraha* objectives as addressed to Mrs Indira Gandhi and circulated to the public clandestinely were enumerated as under. They also had 21 points

1. Honour democratic norms and the judgement of the High Court and Supreme Court and step down from the office of the Prime Minister.
2. Repeal the Emergency.
3. Restore the fundamental rights and civil liberties that have been suspended or suppressed under the Emergency.
4. Release all prisoners who have been detained or sentenced for political reasons under the pretext of the Emergency
5. *No organization should be banned by Government except through due process of law and the verdict of a court.* The ban that has been imposed on organizations such as the Rashtriya Swayam sevak Sangh should be withdrawn. A judicial commission should be appointed to scrutinize whatever evidence the Government may have to warrant the banning of any organization, whether it is one like the CPI-ML that the Government describes as left adventurist or one that it characterizes as communal.
6. Lift censorship and restore the freedom of the Press.

- 7 Repeal the Constitutional Amendments and Amendments to the Representation of the Peoples Act to put the Prime Minister above the law to restrict the rights of the judiciary and to supersede the judgement of the High Court against Mrs Gandhi
- 8 Reform electoral laws and procedures to remove corrupt practices and the abuse of official machinery and to assure equal opportunities and free and fair elections Implement the reforms listed in the Charter of Demands presented to Parliament on March 6 1975
- 9 Extend franchise to all citizens who have reached 18 years of age
- 10 Reorient planning to abolish monopolies, and restructure the economy to reduce disparities in income and wealth to the ratio of 1 10, and to provide gainful employment and a need based minimum wage to all able bodied citizens, using appropriate technology that maximizes employment and the decentralization of economic power
- 11 Protect and guarantee the democratic rights of trade unions, including the right to strike and to collective bargaining and the right of workers to participate in management and equity, and to share profits Restore all the hard-earned rights of wage earners including that of a minimum bonus of 8 33%
- 12 Ensure fair prices to agriculturists and see that they receive agricultural inputs at reasonable prices
- 13 Ensure effective distribution of essential consumer goods at fixed reasonable prices
- 14 Ensure intensive medical attention to all citizens and free medical attention to those in low income groups
- 15 Assure full academic freedom to educational institutions
- 16 Restore the democratic right of students to have Student Unions and to elect their office bearers and representatives Increase student participation in the governing bodies of educational institutions and universities.
- 17 End government monopoly and control over mass media like AIR and Television and convert AIR into an autonomous corporation
- 18 Appoint Ombudsmen or set up equivalent judicial authorities in the Centre as well as in the States, with adequate

- powers, to investigate all allegations of corruption against public men, Members of Parliament and Assemblies, Ministers (including Chief Ministers and the Prime Minister) and public functionaries
- 19 Assure drinking water to all villages and take up a massive programme of public works, rural housing and provision of homesteads, road building, minor irrigation workers and agro based dispersed industries
 - 20 Provide Constitutional guarantee for genuine self government through the decentralization and effective distribution of powers among Gram Panchayats, Zila Boards, States and the Centre
 - 21 Provide adequate protection to religious minorities, scheduled castes and scheduled tribes to end all forms of discrimination and exploitation and promote their rapid economic, educational and social advancement towards real equity

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Then came the *Satyagraha* Bulletin No 1 giving details of the *satyagraha* in Chandni Chowk, Delhi. It said

"The scene on November 14 1975, in Chandni Chowk, Delhi, was worth witnessing—scene of the rebirth of the flame of liberty in India after it was smothered hardly five months back, on the blackest of the black June 26 1975, by a tyrant

Police to the right of Chowk,
Police to the left of Chowk,
Police in front of Chowk,
And Police behind it

But the police was gentle and sympathetic, for even the uniformed men are fed up with the dirty job IG (not to be confused with the Inspector General of Police) has put them on for the last five months or so

Crowds thronged Chandni Chowk in their thousands. The famed roofed corridors of the Chowk, from the Red Fort to Fatehpuri, were crowded with the fortunate ones who were able to witness in person the brave bands of volunteers defying the dictator

105 volunteers of the Sangharash Samiti led by Shri ID Mahajan offered themselves for arrest, included in these was a batch of lady volunteers

The people were asking themselves—from where do these volunteers suddenly make their appearance? They used to sprout from nowhere. In fact these 105 braves were part of the crowd itself and at the appointed hour sprang into the scene, much to the bewilderment of the Police

Satyagraha started at 4 15 p m and continued upto 6 15 p m Ten batches of slogan-shouting volunteers offered *satyagraha* with precision—one batch every 12 minutes

Like spring flowers they bloomed all over the place adding to the historic setting of the struggle against modern tyranny, the aroma of liberty

Satyagrahas were offered all over the country Firm details from other stations are awaited and as they are available shall be made public in a day or so

§ End Emergency

§ Police Aur Fauj Aaee Hai—
In Se Nahin Ladaai Hai

§ Release Leaders

§ End censorship

§ Restore Bonus

§ Remove Bans

§ Restore Fundamental Rights

§ Hold Elections

Delhi Sangharash Samiti

Chandigarh. 15 arrests on November 14

Rohtak 29 arrests on November 14

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On December 1 1975, an open letter to the police came out, saying

'It has come to the notice of the Lok Sangharash Samiti that there have been cases in which those detained on account of voluntary *satyagraha* or for distributing pamphlets or those who are detained as a preventive measure have been maltreated and in some cases even tortured while in police custody

In some cases the *satyagrahis* are boxed on their mouths and ears and dragged by their hair some of them were mercilessly beaten up both in public and at Police Stations There have been instances of detenus having been hung upside

down The police has not even stopped short of harrassing aged parents of those who offered themselves for arrest.

The Lok Sangarsh Samiti is aware of the limitations of those who in this wretched setup have to earn their livelihood by selling their services It was precisely a situation like this that Loknayak JP had in view when he publicly called upon the police and the army to refuse to obey all orders of an illegal nature The Indian Police has fortunately an admirable tradition of having defied their British officers when during the freedom struggle it was called upon to shoot and *lathi* charge innocent and conscientious resisters May the people of India hope that at this critical moment in the history of our country the police in this country will stand this difficult test and prove they are not just heartless push button robots but are human beings who love their families and their country and are men of conscience

You all know that those who are raising a voice of protest against the totally unscrupulous, self-motivated and degenerate regime of Mrs Gandhi and her satellites are basically patriots We have never done anything to harm our country and our people We are a peace-loving people but there are times when even a worm would turn and face its offender The way in which laws have been changed to suit Mrs Gandhi's convenience shows what little honesty, her party and her Government has

To obey a dishonest regime is an act of dishonesty, to help an oppressor is an oppression, to lend support to an unscrupulous ruler is not just unscrupulousness, it is downright cowardice Must the police in Bharat condescend to play such a mean role? Let us remember that every day is not Sunday

It is still for our bureaucracy to think rationally and act in a responsible manner otherwise history provides ample proof of the outcome of such conflicts that then follow, which would send shudders down anybody's spine

Yours—————

In the services of the Motherland of
Shivaji, Maharana Pratap, Guru
Govind, Netaji, Lajpat Rai, Chandra
Shekhar, Bhagat Singh, Ashfaqulla
and Mahatma Gandhi

- N B 1. Instances of torture by the policy of the advocates who appeared for the detenus have also come to notice and for this the Supreme Court Bar Association in its General Body meeting held on the 25th November, 1975 passed a resolution condemning the action of the police. These actions of the police are bringing down the name of the Government and the well-established principles of democracy.
- 2 We need not tell you that the misdeeds of the police officers exceeding their lawful authority are being compiled with necessary particulars for taking appropriate action according to law when the time comes (Read Section 23 of the Police Act 1861)"

* * *

George Fernandes wrote a letter to Mrs Gandhi on July 27 1975 In forthright language Fernandes answered charges publicly levelled against him by Mrs Gandhi which otherwise were not allowed to be refuted publicly and had to be publicized through underground literature Fernandes also analyzed the mind of Mrs Gandhi and said that she had resorted to the Emergency as a supplement to her ill-intentioned desire to curb public opinion which she had displayed during the earlier railway strike of 1972 Fernandes said

"I note that I have been particularly singled out for a lot of publicity ever since you assumed the role of a Dictator

First, the railway strike of May 1974 is still haunting you. You see in it the grand design of reactionaries to overthrow you.

You know that the railway strike was for the legitimate demands of railwaymen You know that your own CPI and AITUC who are sworn to defend you and your dictatorship to the last drop of the people's blood were active participants in the strike When you still keep raking up the railway strike issue and indulge in your perverted and false utterances repeating your wild accusations, you are also doing great disservice to CPI Chairman SA Dange, who hailed the May 1974 strike as a threat struggle of the working people and compared you to the medieval period rulers of Europe, to CPI MP Parvati Krishnan

who spent a week in prison and to the thousands of your big and small puppets in the CPI.

And when, the International Transport Workers' Federation (ITF) to which your own Congress scab-unions are affiliated decided to send a fact finding mission to India, your government, in true fascist style, refused permission to the ITF Mission to enter the country. So, please stop lying on the railway strike

Second, you have charged that I received large foreign funds during the railway strike in May-June 1972. That is the damndest lie you must have uttered in your whole life of lies. If this were the case, why the hell did you wait for one whole year to make this charge? Produce the evidence, put me on trial, and get me shot if what you say is true. All dictators are congenital liars, but you, Madam, excel them all

Third, your publicists including the Russian patriots in India have written that I have received dollars from Japanese institutions and American institutions. You have cited two drafts, one for 60,000 dollars and the other for \$ 17,000, cleared by the Bank of Tokyo in June 1975. You jolly well know that these two drafts were presented to the All India Railwaymen's Federation by two Unions of Japanese railwaymen at the fifteenth annual conference of the Federation in Jodhpur on May 27 1975. The Japanese Railwaymen's Union (KOKURO) presented the cheque for \$ 68,000 and the Japanese Locomotive Engineers' Union (DORO) presented the cheque for \$ 17,000. This money was the contribution of individual Japanese railwaymen to their Indian colleagues and though was earlier meant to provide relief to the railwaymen thrown out of employment by you in May 1974, was actually presented by them for trade union educational activities of Indian railwaymen. Six leaders of these two Japanese railwaymen's unions, all militant trade unionists and socialists attended the AIRF conference as fraternal delegates along with a three-man delegation from the Railwaymen's Union of Turkey. How dare you accuse the Japanese railwaymen of being American stooges? And what perversity of mind you and your propagandists display when you charge me with receiving foreign money. Every paisa of the gift received by the AIRF has been deposited in the bank and is lying there. Madam Dictator, can you not show even a semblance of respect for truth and decency, even assuming that in your desperate

quest for power, you have indulged in the most calumnious campaign against me.

Fourth, I am supposed to have written to Chairman Mao of the Republic of China complaining about the suppression of the railway workers strike by you in May last year

Before dealing with Mao, let us have the facts straight. Are you suggesting that you did not suppress the railwaymen's struggle by using repressive measures unheard of in the recent history of our country, which made even President VV Giri disgusted with you and which were condemned by workers all over the world including the WFTU of which your patrons, the Russians, are the godfathers?

And, Madam Dictator, will you please publish the text of my letter to Mao and provide further evidence of your perverted mind in dealing with your political opponents

In December 1974, there was a news report in the Indian Press datelined Hong Kong that the Chinese railwaymen were on strike to press their demands and that the army refused to break the strike. The All-India Railwaymen's Federation staged a demonstration before the Chinese Embassy to condemn the reported efforts of the Chinese Government to break the strike by using the army and to extend moral support to the Chinese railway workers. I led this demonstration. A memorandum addressed to Chairman Mao was sought to be handed over to the Chinese Embassy officials, but the Embassy had closed its gates on us. On the advice of your police which was guarding the Embassy gates, the memorandum enclosed in an envelope was thrown into the Embassy compound. The memorandum extended support to the Chinese railway workers, called upon Chairman Mao not to suppress the workers and urged that the railway workers' demands should be met. And in that context, the memorandum referred to your suppression of the strike of Indian railwaymen.

(Incidentally, in January 1975, I was to learn that the story of the Chinese railway workers strike was a Russian canard planted through your courtesy in the Indian Press with a view to damming the Chinese Government.)

And, Madam Dictator, if your efforts are to suggest that I am a Chinese agent too, besides being an American agent, may I remind you that I am the same George Fernandes about whom

your father publicly apologised to China's Prime Minister Chou En Lai. The White Paper on the Indo China Dispute contains your father's letter to the Chinese premier.

Fifth, you have, in a letter to some leader of the Muslim League in Kerala refuted my charge that you are the most communal minded person. My charge against you has been publicly made during the last three years both in my speeches and writings and has been carried by the national Press on many occasions. But you waited till you became a dictator and imposed Press censorship to refute my charge. I repeat my charge that during the last war with Pakistan, you as the Home Minister issued a secret circular which required all public sector undertakings and government departments to see that Muslims were not employed in the key installations and positions.

Accordingly, Muslims working as Controllers in the BEST Undertakings in Bombay were removed from their positions and put to work as Inspectors. Muslims employed at Vaitana Water Works of Bombay Municipal Corporation were removed from their positions and transferred to the city away from their families. Muslims in the Bhabha Atomic Centre were terminated from service with one month's pay in their hands. I intervened on behalf of these Muslim workers with the management to no avail.

I also repeat my charge that Muslims in India are denied equality of opportunity and in the matter of jobs in army, police and other public services, they are discriminated against. I can prove this by facts and figures. The point is how to do it in a dictatorship.

Lastly may I demand that you show courage to publish this note and be damned.

July 27 1975

George Fernandes"

* * *

Earlier the veteran K Santhanam had also addressed a letter to Mrs Gandhi on July 3 1975. He stressed

'I fully realise the helplessness of an Editor if he has to think and act in isolation. But, I cannot believe that if all or most of the Editors of the Indian Press can meet and protest

strongly at the uncalled for, unparalleled and iniquitous censorship, it will have no effect

It is obvious that the government is exploiting the censorship to obtain maximum publicity for the Ruling Congress organization, Ruling Congress Governments and the leaders of the Ruling Congress. It will not be unfair for Indian newspapers to refuse to oblige them. Official news which is of importance to the people has to be published even if it is one-sided. But there is no need to publicize support to the Emergency or print parrot praises of the Prime Minister.

It should be possible to find ways and means by which even within the limitations of censorship much valuable political education can be given to the people. I suggest that every paper should get lawyers, retired judges and others to analyze the implications of the Emergency Chapter of the Indian Constitution and make suggestions to amend the Articles so that the freedom of the Press, freedom from arrest or detention except by the order of a magistrate and according to law, right to resort to courts and full exercise of fundamental rights will be assured in all circumstances and at all times. The people should be educated to realize that this is the greatest issue before the country."

* * *

Before I give views of K Santhanam on democracy and propaganda, I must inform readers that besides Santhanam's status as politician, statesman and administrator, his contribution to journalism has been formidable. He was a senior leader writer of the *Hindustan Times*. His ideas on the means and methods of publicity are, therefore, valuable. Santhanam was once an admirer of Mrs Gandhi. He was also a member of the Indian Legislative Assembly in 1927 and then of the Constituent Assembly in 1946. His contribution as a maker of India's Constitution therefore lends him the status to speak on the constitutional Emergency.

A pamphlet which was not allowed to be circulated in September 1975 when the Emergency was in full bloom, said.

'Deliberate misuse of good words has been a propagandist trick of those in authority to justify the misuse of their power.

The leaders of Communist countries have the word 'democracy' always on their lips. Having suppressed all opposition, they stage elections in which their nominees are elected by 98% if not 100% vote. On the basis of such voting they claim they are greater democracies than those which permit free opposition.

In a democratic society, the main means of ensuring discipline are (1) the rule of law, (2) political and social conventions, and (3) public opinion expressed through a free Press, public meetings and demonstrations.

The fantastic lengths to which censorship has been extended will be clear from two examples. In the *Swarajya* of Madras which regularly publishes an article from the past writings of Rajaji, an article on democracy was banned by the censor. *The Eastern Economist* of New Delhi changed its format by publishing on its cover a full length picture of Mahatma Gandhi taken as he was walking in Noakhali. After three issues, the publication of that picture was banned on the grounds that as Gandhiji appears to be walking away to the forest, it might be thought that he was in spirit walking away from the India of the Emergency. Innumerable instances of such incredible stupidity in the exercise of censorship have been known among Indian journalists.

It may appear pleasant to the Prime Minister and her supporters to be able to speak, make false claims and indulge in fallacious arguments without any criticism or refutation in the Press or at public meetings. Having suppressed all opposition, they claim that the people have welcomed the proclamation. It is argued that the so-called economic programme would not have been possible without the arbitrary imprisonment of thousands of political workers, many of whom have a proud record of participation in the national struggle for freedom.

This is a supreme moment in which all Indians who are interested in the future of the country should leave no stone unturned to make their feelings known beyond all doubt to the Prime Minister and her Cabinet and to every Congress Member of Parliament and help them to pause before they make another fatal step which will destroy them and the country.

The All-India Acharya Sammelan convened by Vinobaji met at Paunar Ashram on 16, 17 and 18 January 1976. It was attended by twenty-six invitees, including vice chancellors, professors, eminent jurists, prominent constructive workers and distinguished men of letters having no party affiliations. The Sammelan had the privilege of receiving valuable advice and guidance from Acharya Vinoba at several stages during the deliberations.

The Sammelan considered all aspects of the current situation in India carefully and objectively, having regard to both the short term and the long term interests of the country. The following propositions emerged by way of consensus. We give them below briefly:

1. The Sammelan felt particularly concerned with the effects of the continuance of the present situation on the younger generation
2. The detention of a large number of social and political workers who fully believed in *Ahimsa* and *Sarva Dharmabhaya* (equal respect for all faiths). Curtailment of civil liberties and Press censorship including its coverage of parliamentary proceedings are not good for the health of the nation, if continued indefinitely
3. In view of the common and widespread desire for far-reaching electoral reforms, the Sammelan hopes that specific proposals for such reforms would be framed through mutual consultation between all concerned in order that elections at all levels become fair, free from corruption and inexpensive
4. The Sammelan is convinced that violence and democratic socialism cannot go together. In essence, only ethical means should be employed for achieving noble ends in all spheres of national life
5. From time to time, proposals for constitutional reforms have been put forward. In this connection, an important objective should be to evolve effective means for decentralized power and responsibility down to the grass-roots
6. It is a matter of great concern that even after 28 years of freedom millions of our countrymen live below the poverty line

Points 7, 8 and 9 are general in nature.

- 10 The Sammelan would deem it a privilege to be of any service in furthering the process of national reconciliation and constructive cooperation. It requests Acharya Vinobaji to take such steps as he may consider proper for furthering the suggestions made in this statement

* * *

NG Goray made the following observations on the Sammelan resolution

- "1 Is the present government which has evidently concentrated all powers in its hands (*vide* the recent Presidential order) a democratic government?
2. Had the opposition parties in India at any time during a national crisis indulged in anti national activities or had they threatened to launch a movement immediately before the present Emergency, which sought to destroy or would have destroyed Indian polity had not the government promulgated draconic measures? Is there any valid reason for now continuing the same?
- 3 Is progress in a developing country and enjoyment of democratic rights a contradiction in terms?
- 4 Can a code of conduct be suggested for the ruling party and parties in opposition for the industrial sector, for educational institutions, for rural problems and for the Press within a democratic structure provided of course you consider it the best form of government?
- 5 In case your preference is for some form of totalitarian government, what in your opinion will or should constitute the corrective or countervailing force? Or is no countervailing force necessary at all?
- 6 And lastly what should be the role of the intelligentsia in a social structure like ours which is a strange amalgam of feudal and modern trends? "

* * *

Speeches in Parliament were not allowed to be published. Here are extracts from some of them

MOHAN DHARIA (ex-Congress Minister)

"Sir, I myself requested the Prime Minister on 7th October through a letter that the corrupt administration should be stopped

Had the Prime Minister acted on the suggestion which I personally made to her and relieved Shri LN Mishra, it would have saved both a precious life and the prestige of the Party. The Governor of Bihar, Shri Bhandare, a senior member of the Congress Party had openly stated that there were five corrupt Ministers in the Bihar Cabinet and he was not prepared to administer the oath of office to them. Why were such Ministers allowed to continue after this statement? "

Sir, these are the various faults which we cannot forgive. The situation in the country is very clear today. It is because of the opposition parties coming together with more cohesiveness that the position of the ruling party has suddenly changed. Gujarat elections had amply proved that with all use of money, power and personal prestige, it would not be possible for Mrs Gandhi to acquire or retain power through democratic elections "

"Sir, when I look at the series of ruthless undemocratic measures initiated by the Prime Minister, I get a feeling that Mrs Gandhi has gone mad with power, a megalomaniac to prove herself as the greatest lady in the country. She would not allow the Parliament to function so far as she is aware that she cannot retain and continue that power. That is the whole tragedy today "

Sir, no sooner than one enters the British House of Commons than one finds a plaque at the entrance which reads.

'I have greatest detestation for your opinion. But I shall fight up to death to preserve your right to utter your opinion—
Voltaire '

In the context of the existing circumstances, may I through you, Sir, request the Government to put up a plaque at the entrance of our Parliament House which should read

'We have greatest detestation for your opinion and we shall fight unto death to destroy your right to express your opinion—Indira Gandhi, DK Baruah and with the permission of Shri Indrajit Gupta, SA Dange.'

The unveiling ceremony should take place at the hands of our President. The Speaker should preside and the Vice-President and Chairman of the Rajya Sabha should express a vote of thanks, bidding farewell to democracy "

Another pamphlet reported Mohan Dharma as saying:

"The 26th day of June 1975, the day when the Emergency was declared, when my colleagues, several political workers and leaders were barbarously put behind the bars, when the freedom of the Press and civil liberties were surrendered to the bureaucrats, that day will be treated as the blackest day in Indian democracy and in the history of our country "

"Let me be allowed to say that when I look at the 20-point programme, the basic decisions are not there. It is old vitamins in a new bottle, nothing beyond that "

RAMDEV SINGH (Socialist Party) from Maharajganj

"The fact is that the Prime Minister had seen her throne in danger on June 12 and she started the drama of Emergency in this country to ward off that danger to her personal position "

"I want to say something about a particular Party. Today the CPI is sticking like gum to the Congress Party. Have you forgotten that when you were opposing the World War in 1942, these CPI people were in the British camp? These people are aligned with you today as their purpose of reducing the country to the position of a slave at the feet of Russia by ruining and weakening India is being served. When they saw that the Prime Minister was serving their purpose of destroying democracy, they joined hands with the ruling party "

JAGANNATHARAO JOSHI (Jan Sangh)

'So far as the RSS was concerned, the question was who was to decide whether the activities of the RSS were harmful to the country or not. Was the government prepared to appoint an impartial committee to go into the matter? '

PB MEHTA

'There was no justification for the proclamation of Emergency. It was totally unwarranted. Now it is for the readers to judge and ponder over the situation. Here we have brute dictatorship under the veil of Emergency. 'Democracy is in peril, defend it with all your might '

MAHAVIR TYAGI (Congress O)

"When the Article on Emergency was passed in the Constituent Assembly I gave a long speech supporting it. We were confident at that time that it would not be misused. But I am unhappy that you have not even disclosed the names of those detained under the Emergency. I want to know their offence. It had been said in the Constituent Assembly that persons thus detained would be told of the charges within 24 hours of their arrest so that they could offer defence. But no such thing has been done now. By suppressing opposition parties in this way, you are misusing the Emergency. We can never agree that you may arrest anyone at any time or detain opposition members and not allow anyone to talk to them."

"Sometimes I think, some of us even feel—why have a Parliament? Why should 500 members come here to take a decision which one person can take? That was what Hitler thought. That was what Mussolini thought. But these systems did not work, because in a democracy, if the executive does a wrong, there is a check, but if a dictator does a wrong, there is no check, because as is said, Parliamentary democracy is the least inconvenient of the governments possible."

'Democracy functions not by simple counting of numbers. If simple counting of numbers alone is going to decide the fate of this country, Mr Chairman after the election was over, with 360 members on the other side, we might as well have closed this House and said 'All the decisions of the executive are supported by 360 members, therefore, for five years you need not meet at all.' I think much time and money would have been saved for this country if instead of coming here that procedure was adopted."

"As a young college student, I used to take notes. One of the notes taken down by me was a quotation by Mahatma Gandhi. I took this quotation in 1940 when I was a college student. I give here the quotation. Real Swaraj will come not by the acquisition of authority by a few but by the acquisition of the capacity by all to resist authority when it is abused. In other words Swaraj is to be attained by educating the masses to a sense of their capacity to regulate and control authority."

AK GOPALAN, (CPI [M])

"The slogan of one leader, one party and one country raised by a section of Congressmen sometime before, is nothing but a political reflection of the tendency towards authoritarianism. This slogan has been re coined by the Congress President after the adverse judgement of the Allahabad High Court and Supreme Court and adverse verdict of the Gujarat elections, into the slogan 'Indira is India and India is Indira'. This means that she will remain the sole dictator throughout her life, so no need of any democracy, any Parliament any opposition and any election. In this connection, I remember the story of Casabianca who said mid-ocean 'I am lord of what I survey and might there be none to dispute' "

"Take the government's attitude to the RSS which it has now banned. It seems that the Government's attitude to these organizations changes from time to time to suit its convenience. In 1965, during the Indo-Pak War, the then Prime Minister, Lal Bahadur Shastri, handed over Delhi to the RSS for civil guard duties. The present Prime Minister, Shrimati Indira Gandhi, paid glowing tributes to the RSS Chief, Golwalkar, sometime ago in Parliament "

"The dictatorship imposed does not serve interests of the working people, middle class employees, agricultural workers, but it does protect the interests of members of the chambers of commerce who went to the Prime Minister and supported her. She assured them 'don't fear that there will be any nationalization' "

"It was said here by Shri Jagjivan Ram that an elected government cannot be removed because it is elected. I want to ask the Prime Minister what happened in 1959 when there was an elected government in Kerala? She herself as the President of the Congress, organized the liberation struggle, she led the struggle and she liberated. Now she is saying the Kerala government should not be touched. I do not understand the meaning why in 1959 there could be a liberation struggle and now no liberation "

The movement led by Shri Jayaprakash Narayan had accepted the challenge of Shrimati Gandhi to face elections and was preparing for them. It is Shrimati Gandhi who developed cold feet after the verdict in Gujarat. The factional struggle

important in all the states had spread to the Centre too and it is no secret that after the Allahabad judgement and the Supreme Court order there was a massive challenge to Shrimati Gandhi's leadership in the Congress Parliamentary Party itself. The long term aim of assuming more powers being the ruthless suppression of the common people, who will believe that by suppressing the popular forces who are fighting against the monopolists and landlords, by suppressing their agitations and by denying them all democratic rights Shrimati Gandhi is fighting right reaction?'

"The CPI, the wretched traitors to the working class and toiling people, continue to function as Her Majesty's Loyal Opposition. It is our foremost task to awaken and organize the people against the grave peril they are facing and throw them into the struggle for the withdrawal of the Emergency and restoration of whatever democratic rights they wrenched after innumerable struggles and untold sacrifices for the resignation of Shrimati Indira Gandhi from Prime Ministership and for the release of all political prisoners. We appeal to all democratic forces and men of goodwill, all who cherish the right of the people to struggle for a better life to join with us in this struggle, whatever be the price we may have to pay."

'We will never surrender ourselves to the ruling classes and we will never betray the toiling people and democratic forces of our country. History will vindicate us.'

HM PATEL (Congress O)

'I am talking about the conspiracy, of which the government was afraid, that had led to the promulgation of this Emergency, which related to political parties, which came together. Why is it that such a powerful conspiracy reacted in no manner whatsoever the moment the Emergency was declared?'

'In fact, there is a strong rumour that all these decisions have been taken at the instance of a team of Russians which arrived in this country.'

PG MAVLANKAR (Independent)

"I stand for freedom, democracy, social justice and also for secularism. My feelings and my charges are that this Emergency

is unreal, that there is no threat to security, that threat is all imaginary, that this is wanton abuse and fraud on the constitutional power and so it should not be approved ”

“The executive once having tasted vast blanket powers, finds it difficult to part with ”

“Is this an internal Emergency or an individual’s Emergency? Is this Emergency of the country or of the ruling party?”

“It is the beginning of the end of the rule of law The Constitution has been continuously and cleverly used to destroy everything that we valued in our Constitution, the preamble, the fundamental rights and the democratic values and practices ”

SHRIMATI T LAKSHMI KANTHAMMA (Congress O)

“Were these friends (MPs), the Honourable Ministers, consulted about the Emergency? Were they taken into confidence? Did the President himself know about it? Then, what about the Home Secretary, Shri NK Mukherjee? He was asked to submit a report justifying the promulgation of Emergency Coming back to Shri NK Mukherjee, he was asked to pack off because he did not find any Emergency What happened? In his place Shri Khurana was brought from Rajasthan ”

KRISHAN KANT (Congress I)

“JP, one of the tallest living patriots and verily, one of the last representatives of Gandhian ethos, is now suffering incarnate in independent India This produces a vacuum in hearts and feelings of loss and anguish ‘Lips are sealed but wounds are open’ ”

* * *

ORIANA MALLACI (well known Italian Journalist)

“What Mrs Indira Gandhi perpetrated on June 26, was an authentic coup And if it is true that no other choice was open to her in order to remain in power, it is equally true that there is no going back The road proceeds towards a tighter and more desperate totalitarianism, designed to show increasingly that Indian democracy is finished—killed—by the daughter of the man who had created it—Pandit Nehru ”

"Indira's ally is the Soviet union, which has always supported her and which may have suggested the coup"

* * *

There were also a few letters from the opposition addressed to the authorities, which speak of the state of Emergency

I

LN MISHRA AND OTHERS

New Delhi,
June 21 1975

To

The Hon'ble Speaker,
Lok Sabha,
New Delhi.

Sir,

We are perturbed that summons for the Monsoon Session of Parliament this year have not been received so far. It has been the practice in the past to have the Monsoon Session from the middle of July and to send the summons by the first week of June. It is pertinent to invite your kind attention to a decision taken by the General Purposes Committee of the Lok Sabha at their sitting held on April 22, 1955 and their following recommendation on the timetable of the three sessions of the Lok Sabha to be held every year:

(1)	(2)	(3)
Session	Date of Commencement	Date of termination
Budget	February 1	May 7
Monsoon	July 15	September 15
Winter	November 5 or four days after Deepavali whichever is later	December 22

The Cabinet also agreed with these recommendations and as far as possible the sessions are held round about these dates every year

We are afraid that this time honoured practice accepted by the Cabinet and implemented hitherto appears to be in danger of being given the go by

We, therefore, request you to impress upon the President and Mrs Indira Gandhi the need to observe the well established conventions and practices of democracy

Yours sincerely,

SN MISHRA,
ERA SEZHIYAN
JAGANNATHARAO JOSHI
MADHU LIMAYE
VR SCINDIA
JYOTIRMOY BOSU
SAMAR GUHA
ERASMO DE SEQUEIRA

II

• ERA SEZHIYAN, MP

Madras
15th July 1975

To

The Speaker,
Lok Sabha,
New Delhi

Sir,

I have received the Summons to attend the 14th Session of the Fifth Lok Sabha commencing from 21st July 1975 In the Bulletin Part II of July 9th sent along with the Summons, you have been pleased to inform the Members under Item No 2379 that there will be no Question Hour during the 14th Session of the Fifth Lok Sabha " The Minister for Parliamentary Affairs has also given notice for a motion to suspend all rules relating

to Question Calling Attention and any other business to be initiated by private Members. Only by putting a question or giving a calling attention notice or initiating a debate will a Member be able to focus the attention of the House and through it the country to many matters of public importance. If the opportunities on these lines evolved through ages in other countries and followed for the past quarter century in this country are to be abandoned unceremoniously, it cuts at the very root of the role of Parliament in its time-honoured functions,

Several leading Members of Parliament both from the Opposition side and the Ruling Party are incarcerated for reasons best known to the Government, under one or other of the preventive measures of MISA and DIR. A Parliament Session loses its meaning and purpose if the Opposition Members are disabled from attending the Session. The House loses its basic character of a debating body; with a Press silenced and the Members prevented, the House becomes a muted museum. It becomes imperative that all Members of Parliament now in jails should forthwith be released so as to enable them to attend the coming session of the Parliament. I hope that as the exalted custodian of the Parliament and the guardian of its privileges, you will be able to impress upon the Government to set them free and make Parliament a safe place for Members to attend, to debate, to criticize the Government and to suggest freely proposals alternative to those of the Government.

I find that Members of Parliament have been arrested when they have gone to attend the Parliamentary Committees. A Parliamentary Committee enjoys all the privileges and the prestige of the Parliament itself. Attending a Parliamentary Committee is equivalent to attending Parliament. Arrest of a Member attending a Parliamentary Committee is highly reprehensible and constitutes a clear case of breach of the Parliamentary Privilege. It should be made clear whether there will be full protection to the Members from arrest by the police when they come to Delhi to attend Parliament either before, during or at the close of the Session.

To quote Kaul and Shaktiher, "the Press is often called an extension of Parliament." Hence for effective functioning of a Parliament, there should be full facility and freedom for the Press to cover the proceedings of the House and to publish all that

is said in the House. Any curb on activities of the Press, overtly, or covertly, will make Parliamentary debate infructuous and unreal. Though, under the Parliamentary Proceedings (Protection of Publication) Act, 1956 the Press has the protection to the publication of the reports on the proceedings of the House, it is not known whether under the present attitude of the Government they will be able to do justice to their task. Members require an assurance from you and from the Government that this freedom of the Press and the statutory protection offered to it will be honoured in full.

Yours faithfully,

(Sd) ERA SEZHIYAN

III

NON-CPI OPPOSITION LEADERS

New Delhi
August 5 1975

President of India,
Rashtrapathi Bhawan,
New Delhi

Dear Rashtrapathiji,

We feel very much concerned at the information and reports which we are receiving regarding the highhanded and inhuman treatment of the jail authorities and the executive towards the political prisoners who have been arrested since the second proclamation of Emergency and seek your personal intervention.

The political prisoners are now being treated in a much worse manner than during the British rule. Their whereabouts are kept a closely guarded secret from their relatives. Even in case of Members of Parliament the news of their arrest and whereabouts are being published in the Parliamentary Bulletins and not in the Press and their relatives also are not being informed.

From the reports which we are receiving, it appears that Shri Jayaprakash Narayan, Shri Morarji Desai, Shri Jyotirmoy Bosu, Shri KR Malkani, Chaudhary Charan Singh and many others in different parts of the country have been kept in solitary

confinement. Most of them are not even allowed to meet their relatives or lawyers.

The jail codes of various States are not being complied with in respect of political prisoners and they are refused even to have a look at the jail codes and jail regulations.

We are surprised and shocked to receive information and reports, the authenticity of which we have no reason to disbelieve, that third degree methods are being employed to many political prisoners in jails and police lockups. In this connection the recent statement of Shri Brahmananda Reddy to the effect that police are not to use third degree methods is significant.

Reading material and other amenities are not being allowed to the political prisoners. In many cases, food in accordance with jail codes and regulations is not being supplied to the political prisoners and letters written by or to them are being withheld for an unreasonably long time.

We request you to see that the authorities concerned are prevailed upon to treat the political prisoners in a normal manner and notify the fact of their arrest as well as their whereabouts to their relatives within the shortest possible time and treat them in a human way.

We would further request you to advise the government to allow an all party delegation of Members of Parliament to visit jails to look into the condition of the detainees.

Thanking you

Yours faithfully,

Signed by the non CPI
Opposition Leaders

IV

THREE MORE MPS

1 Ashoka Road,
New Delhi-1
7th August 1975

Dear Shri Brahmananda Reddy,

We are extremely perturbed to learn that a Member of Parliament, Shri Jyotirmoy Bosu, is being treated in Hissar jail in an almost inhuman manner. We understand that he has been kept in complete isolation, in a solitary cell in Hissar jail. No person other than those on duty are allowed to go in. The cell has no window or door excepting a small ventilator at ceiling height and a grilled iron gate. When there is a dust storm, he has no protection from such storm. The cell also gets flooded when there is a downpour. We further understand that to make the isolation complete, the jail authorities have fixed two thick blankets on the courtyard gate so that nothing outside is visible for him. Over and above, *kutchha* brick and mud mortar buffer-wall has been erected to make the invisibility doubly sure. For a number of days there were no switches for the lights in the cell. So he had to sleep with a powerful bulb on throughout the night which attracted thousands of insects. Subsequently the bulb was removed but he had to live and eat in darkness. The fan which has been provided for him (which is also provided for other convicts) hardly works due to frequent voltage fluctuations, apart from load shedding. There are a number of open latrines and drains near his cell as a result whereof the place is infested with flies. The open water reservoir adjoining the latrine is also a source of danger. His cell is surrounded by wards of dangerous convicts who are often noisy and boisterous. Doctors have asked him to try and have sound sleep because of the condition of his health, but due to frequent checkings during the night and very loud announcements and calls from the tower, his sleep is frequently disturbed every night.

So far as we are aware a detainee is put in a cell as a punishment for disobeying the jail authorities. The other convicts are allowed to go to the canteen, play games, watch television, but

a MISA detainee is not allowed to go anywhere Shri Bosu requested the Superintendent of the jail many times to give him these minimum facilities, but the same have not been heeded

It appears that these harassments and strains and inhuman treatment are being caused to Shri Jyotirmoy Bosu in a *pre-planned manner and contrary to the provisions of the relevant rules* These acts which appear to be deliberate caused severe mental and physical strain to him and we understand that the jail Doctor had to call a senior Specialist to examine him and he is now under his treatment and is being given medicines and tranquilizers

We understand that the Haryana (Conditions of Detention) Order 1971 provides that—

- (a) Detenues should be preferably kept in wards and be allowed to associate freely with other convicts (Para 5),
- (b) Only convicts of suspicious character are to be locked up at nights and reasons therefore should be recorded in the Journal by the Superintendent (Para 6),
The rules also provide that the outer gate of the jail compound shall remain locked up 24 hours which means that normally a detainee can move about freely within the jail,
- (c) A detainee may even proceed beyond jail limits with Superintendent's permission (Para 7)
- (d) A detainee can have walks inside the compound and play games like badminton and volley ball (Para 27),
- (e) A detainee can voluntarily express his willingness to do works of his own choice and get paid for it (Para 2.)

It will appear that all these rules are being deliberately violated to put Shri Jyotirmoy Bosu to maximum harassment and difficulties

Shri Bosu had offered to do work in the jail but his offer has been turned down He wanted to do some work to keep him as much physically fit as possible and to have some diversion, but contrary to the rules the jail authorities have refused him permission

Under para 15(4) of the above Order it is obligatory on the part of the jail authorities to ensure that no undue delay takes place in transmission and delivery of letters from or to a detainee But Shri Jyotirmoy Bosu's letter dated July 9 1975, written to

his son was never transmitted or delivered. For about a fortnight he had *no news from his home* and yet he was refused transmission of telephonic communication through the Superintendent of the jail although that is permissible for his use and in spite of repeated verbal and written requests nothing had been done by the jail authorities to arrange for the supply of clothes, contrary to para 8 of the said Order.

It needs hardly to be emphasized that a detainee under the MISA is not a convict. But it is significant that Shri Jyotirmoy Bosu has been denied minimum facilities which even a convict gets. Not only has Shri Bosu not been informed of the supposed grounds of his detention, one cannot help emphasizing that a special attitude has been adopted towards him so that he is made to suffer as much as possible. A person like a Member of Parliament is detained without trial and without being informed of the grounds of his detention. He does not know why he has been detained. The minimum one can expect in such circumstances is that some sort of civilized and human treatment is adopted in the case of detainees. But it appears that in the case of Shri Jyotirmoy Bosu the minimum human approach is not being extended.

In the circumstances we request you to look into the matter with the seriousness it deserves and with expedition so that the ordinary facilities of a MISA detainee are accorded to him and he is not kept in solitary confinement.

In the case of Shri Jyotirmoy Bosu, his son, in spite of repeated requests and prayers, has not been allowed to see him. His wife is in Delhi waiting for an opportunity to meet her husband but she has also been denied the opportunity. We think you will agree that this hardly benefits any responsible government or authority. We would request you to see that interviews are allowed to the near relatives of Shri Jyotirmoy Bosu. We would also request you to transfer him to Tihar Jail, Delhi, so that the interviews, if granted to the members of his family, can be held without much difficulty, and his minimum necessity like clothes, etc. can also be provided to him through the jail authorities without much trouble for the members of his family.

Expecting that this will receive your most earnest and serious consideration and with regards.

Yours sincerely,

SAMAR MUKHERJEE (Sd)
SOMNATH CHATTERJEE (Sd)
SALIL GANGULI (Sd)

* * *

November 27 1976

v

SUBRAMANIAM SWAMY

It is required as a part of my duty to travel once more to foreign countries. I shall not be gone for long, but I thought I will take this opportunity to share my ideas with you.

You know that the Indira Gandhi regime is afraid of the truth and hence has imposed the most oppressive censorship on the Indian press. The regime however cannot censor the newspapers of democratic foreign countries and so mislead the foreign press. Mrs Gandhi's lieutenants had in the past gone abroad and told all manner of lies. Mrs Gandhi herself gave numerous foreign press interviews during the first eight months of the Emergency with a view to maligning the opposition.

My last visit was previously aimed at correcting the imbalance of propaganda, but my visit was so successful thanks largely to the young nationalist men and women who have settled abroad, that the regime in its uncontrollable anger got me expelled from the Rajya Sabha. The charge was that I did "anti India" propaganda, although I spoke out against only Indira's policies. But then the present mad dictatorship's slogan is "Indira is India".

My present visit abroad is partly to fulfil the request of overseas Indians, and partly to focus world opinion on the atrocities in India. You may have heard of the horrible case of torture in Godavari Khan, Andhra, last December in which young boys' bodies were burnt with lighted cigarette butts. So many people protested to the Government over this incident, but

the Government kept completely silent. Now we learn that these torture methods are continuing. Recently we have received two reports, one from Cannanore jail and another from Karnataka too is so horrible that we can only conclude that barbarians are running the present Government. All our complaints have been ignored.

Under the Indian Constitution, the Government is obliged and required to abide by all international laws. Many years ago the Government took an oath in the United Nations to abide by the Charter of Human Rights. This Charter requires the Government not to use torture on its prisoners. As a citizen of India, having failed to persuade this Government to stop it, it becomes my responsibility under the Indian Constitution to mobilize world public opinion against torture. If this barbarian Government will not listen to its own citizens, perhaps it will be forced to listen to world opinion. I am only troubled by how quickly I can bring relief to the hundreds of thousands of innocent citizens being tortured in jail while Mrs Gandhi and her friends sit in airconditioned rooms eating and drinking. God knows what, and making merry.

Thus my first task abroad will be to explore ways and means to bring relief to my brothers and sisters in jail. If this barbarian Indira Sarkar thinks it can go unchallenged in the matter of torture then soon they will turn to genocide if for nothing else, for sadistic pleasure.

My second task will be to get together our able and accomplished Indians abroad to sit and discuss how, democratically they can help bring about change in the present situation in India. Indians abroad have always played a role in reconstruction of our motherland. Our brothers and sisters overseas in their hearts, wanted to live in India but this corrupt Government had systematically driven abroad all these brilliant compatriots. We have heard of incidents of how Indians go abroad and get Nobel Prizes, but cannot get a Rs 250 per month job in India. These compatriots are now very keen to assist in the establishment of democratic rule in India. My job will be to see how their energies can be harnessed for the benefit of our struggle in India.

While I am abroad, you will no doubt hear of loud complaints from the present regime. They will do screaming

propaganda about foreign involvement in India's affairs. That will fit into their standard patter of shouting hoarse in public, but cringing before foreigners in private. If the people of our country had got a peep into the kowtowing Mrs Gandhi and her clique did before Mr Macnamara, the World Bank President, they would have been disgusted. The present brutal family planning butchery is being carried on against the innocent citizens only to please Mr Macnamara. Soon the Russian lords will also visit India, and the regime will prostrate before them too. In the AICC and Youth Congress session held in Gauhati recently, foreigners from communist countries were treated like gods. In fact, the Congress resolution on international affairs shows that.

We are not going to tailor our actions to their hypocritical screams. We are in the struggle for principles, and on principles we shall never compromise. We are not in the struggle for martyrdom although martyrdom is better than cowardice. We are in this struggle to achieve democracy and freedom, and our commitment to that struggle is total. We shall not rest till we achieve that victory. Whatever is necessary to achieve that victory, within the framework of principles we shall do. As Sri Gururaj wrote in his *Bunch of Thoughts*, "We are to test every act, apparently good or bad, on this touchstone of ultimate victory of forces of *dharma*. That which leads to the victory of the virtues and the righteous is alone good and meritorious."

Victory is ours to seek. We are fortunate because the forces of *adharma* are corrupt, soft and totally isolated. They are surviving today on the fear of the weak, and the tolerance of the strong. They have only one weapon—the terror of the police. Once we are completely organized, and determined, those corrupt forces cannot linger on for a day. We are at the dawn of a new day. It may be dark now, but have courage—the sun will break out soon.

With regards,

Yours affectionately,
Sd/
SUBRAMANIAN SWAMY

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C SUBRAMANIAM'S HEART ATTACK

A day before Shri C Subramaniam had a heart attack, two emissaries of Mrs Gandhi called on him. They were Shri G Parthasarathy, foreign policy planning cell chief, and Shri PN Dar, Economic Adviser to the PM and her Secretary. They were with him for over two hours.

It is reported they told him that the PM had decided to bifurcate the Finance Ministry taking Banking away from his charge. Shri Subramaniam is reported to have protested that without his control over the Reserve Bank and the banking system he would be a lame duck Finance Minister.

The next day CS was shocked to learn that what was suggested by the PM's advisers had already become a fact. Over his protest Shri Pranab Mukherjee had been made Minister for Revenue and Banking.

Within a few hours CS had a heart attack and he was removed to Willingdon Hospital. It was given out to the Press that he had flu. The next day the story was changed and it was said he had gone to the hospital for a checkup.

CS is reported to have submitted his resignation from the Council of Ministers. Pai was likely to present the budget in February or March.

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New Delhi
23rd July, 1975

BHIMSEN SACHAR AND OTHERS

We regard Pandit Jawaharlal Nehru as one of the principal architects of Indian democracy. He used to say "No one, however great he may be, should be above criticism." It was he who had said about the freedom of the Press:

"To my mind, the freedom of the Press is not just a slogan from the larger point of view but it is an essential attribute of the democratic process. I have no doubt that even if the Government dislikes the liberties taken by the Press and considers them dangerous, it is wrong to interfere with the freedom of the Press. By imposing restriction you do not change anything; you merely suppress the public manifestation of certain things, thereby causing the idea and thought underlying them to spread further. Therefore, I would rather have a completely free Press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated Press."

It was he who gave the memorable slogan when the British came down heavily upon us in the freedom struggle "Freedom is in peril, defend it with all your might." We sorrowfully remember him, for had he been alive today, we have no doubt that he would have given the slogan "Democracy is in peril, defend it with all your might."

The people's Government has to satisfy the people who give it life, that a recourse to the emergent provisions of law was absolutely unavoidable. This is not possible without a free and open public discussion of the matter in issue. As it is, no freedom for doing this is at present available to the general public. On the contrary, special interests enjoying or endeavouring to enjoy Government pleasure, are wholly free to demonstrate their support in favour of the Government decision. Is it fair to the people? The tragedy of it all is that the Press has been muzzled, except when registering support for Government policy and Government measures and promoting Government party's propaganda. The Government of the people must listen to all sections of the people with equal solicitude.

Must the monster of fear devour us again, the monster for the annihilation of which our beloved leader Pandit Jawaharlal Nehru had sacrificed his all—his riches, his comforts, his parents and even the dearest deity of his heart. He held fear to be enemy no 1 of India's destiny. It is well to seek fresh inspiration from his memorable words.

"The greatest gift for an individual or a Nation, so we had been told in our ancient books, was *abhaya* (fearlessness), not merely bodily courage but the absence of fear from the mind.

Janaka and Yajnavalka had said, at the dawn of our history, that it was the function of the leaders of a people to make them fearless. But the dominant impulse in India under British rule was that of fear—pervasive, oppressing, strangling fear, fear of the army, the police, the widespread secret service, fear of law meant to suppress. It was against this all-pervading fear that Gandhi's quiet and determined voice was raised 'Be not afraid'.

The present situation looks every citizen in the face enquiringly and the old surviving freedom fighters in particular. We must respond to the call. Accordingly we purpose, with effect from 9th August 1975, and regardless of consequences to ourselves, to advocate openly the right of public speech and public association and freedom of the Press, for discussing the merits and demerits of the Government arming itself with extraordinary powers. The intention is not to embarrass authority or to cause any unnecessary stir. Our self-suffering will just be an humble offering at the feet of the Motherland, in the breaking of whose chains we had been privileged to play our small part inspired by the mighty lead of the Father of the Nation.

Yours faithfully,

Sd/ (1) Bhimsen Sachar	20, Tughlaq Crescent, New Delhi 11
Sd/- (2) SD Sharma	A-312, Defence Colony, New Delhi 24
Sd/- (3) JR Sahn1	Adhyatma Sadhana Kendra, Chattarpur Road (Mehrauli), New Delhi 30
Sd/- (4) Vishnu Dutt	WZ 1282, Nangal Raya, New Delhi 46
Sd/- (5) Kishan Lal Vaid	Najafgarh, New Delhi 43
Sd/- (6) Sevak Ram	Lajpat Bhawan, Lajpat Nagar, New Delhi 24
Sd/- (7) JK Sharma	B 999, Shastri Nagar, Delhi 52
Sd/ (8) KK Sinha	B-97, Neeti Bagh, New Delhi-49 "

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INDIANS IN AMERICA

The Indian community in the USA has launched a vigorous drive for the restoration of civil liberties in India.

Reports reaching New Delhi from reliable sources in USA indicate that the entire one lakh strong community has expressed deep concern over the mass arrests and detention without trial of opposition leaders and workers as a result of the proclamation of Emergency in India.

A number of Indians residing in the USA have been active in the cause of freedom right since June 26. They have received massive support from the Americans including President Ford, notable Senators like Edward Kennedy and famous newsmen like Jack Anderson.

An association called Indians For Democracy was formed in Washington on June 26 when the news of Emergency reached there.

On June 27, a demonstration was held in Chicago before the Indian Consulate.

On June 29, a meeting held at Washington formulated a four-point declaration of objectives which included lifting of Emergency and censorship, release of all political detenus and restoration of civil liberties including right to move the courts.

On June 30, a demonstration was held before the Indian Embassy in Washington. Acting Ambassador Mr Gonsalves refused to accept a petition signed by twelve hundred Indians.

Mr Gonsalves was quite rude to the spokesmen of Indian demonstrators and called them Pakistani and Chinese agents. He declared that he had to "protect the flag" and that he could not pay heed to the Indians' demands.

There was great resentment among the demonstrators at these offensive remarks. They pointed out that they were no less concerned about the honour of their flag which was sullied because of the large scale detentions without trial in a bid to crush the opposition in their homeland.

As the Acting Ambassador refused to accept the petition, the demonstrators left it on the steps of the Embassy building.

The *Washington Post* published a telling picture of the demonstration covering nearly one third of the page. The paper criticized the Indian Ambassador for refusing to accept the

petition

On behalf of Indians for Democracy a Press conference was held in the National Press Club in Washington on June 30

Local branches of Indians For Democracy have been established in fifty cities of the US by now

One of its leading members Mr Anand Kumar, has visited about twenty US cities to address meetings on the situation in India. He has given talks in the universities and on the Radio networks

At New York, Chicago and California the Indian Consuls were invited to participate in public debates with representatives of Indians For Democracy. Everywhere the Consuls cut a sorry figure as they failed to give convincing reasons for clampdown on the opposition and suspension of fundamental rights

Protest demonstrations were held in New York, Los Angeles and Philadelphia in the month of July

On the whole, the American Press has been very sympathetic to the Indian protesters and has given wide publicity to their demands. The TV and Radio networks have also given wide coverage

Scenes of *satyagraha* in the Indian capital which were totally blacked out by the government-controlled mass media in India were shown in the US, for example the *satyagraha* led by Lala Hansraj Gupta

On August 15, a group of Indians held a protest demonstration in front of the residence of Ambassador TN Kaul, as the Embassy was closed

The demonstrators were wearing black bands on arms and white bands on mouths to signify the gagging of the opposition in India

Earlier in a bid to avoid confrontation with the protesters, the Ambassador advanced the timing of the flag hoisting ceremony to 8.30 a.m. instead of the usual 11 a.m.

When he came to know that the demonstrators were going to his residence, he shut himself up in the Embassy building

However a delegation was at last able to meet Mr TN Kaul on August 18. His attitude was threatening. He lied to them by saying that all the Indians in the USA had to obey Indian laws as they were still Indian citizens

Mr Kaul meant to say that as the Indians at home were

denied freedom of expression and other fundamental rights, the same could not be available to them in the USA

The spokesmen of the demonstrators described this as a manifestly absurd proposition

Mr Kaul also flaunted the threat of impounding the passports of non-conforming Indians

It is reported that in the beginning of Emergency only about sixty per cent Indians in the USA were opposed to the proclamation. But with the passing of time as the grimness of the situation became clearer, even those who were inclined to give the benefit of doubt to Mrs Indira Gandhi became disillusioned.

Particularly when ordinances embodying amendments to the MISA obstructing appeals to courts were issued and the emergency session of Parliament was used by Mr Gandhi to hastily amend the Constitution and the election laws to bar the courts from considering her case

However, the disillusionment of the Indian community was complete when they saw their Prime Minister expound her viewpoint in a TV interview on the NBC on September 7

In the said interview American newsmen had asked her why she did not produce the detenus before the courts for trial

Her reply was that it was difficult to prove the charges against them in the courts

This completely exposed her in the eyes of the Indian community and Americans and caused universal resentment.

The situation now is that an overwhelming majority of Indians including most of the staff in the Indian Embassy and consulates in the US are critical of the Emergency and the crackdown on the opposition

An example of the prevailing mood among Indians in the US is provided by the fact that when the Indian Foreign Minister, Shri YB Chavan visited the US in September, he avoided meeting the Indian representatives

In fact, Mr Chavan was kept in hiding by the Embassy officials to prevent him from meeting the representative of the Indians For Democracy

When Chavan visited Washington again in October, he had to face a hostile demonstration at an arranged meeting.

Mr Chavan threatened the demonstrators and challenged them to show their "bravery on the Indian soil"

It is significant that Mr Chavan's visit was nearly blacked out by the US Press

Indians For Democracy is now engaged in intense publicity, lobbying and meetings with the members of the US Congress

As a result, a number of Congressmen from both the Houses has taken up the cause of freedom and civil liberties in India even while Dr Kissinger is eager to make capital out of Mrs Gandhi's difficulties

Senator Harry Bird said in the course of a debate in the Senate, "Mrs Indira Gandhi has converted the largest democracy in the world into the second largest dictatorship"

Earlier, President Ford described the situation in India as "temporary demise of democracy" in a Press conference in Chicago

In another Press conference President Ford expressed sympathy with the Indians at "the loss of their freedom which they had been enjoying since the mid forties"

Indians For Democracy have sent a letter to President Gerald Ford congratulating him on his public expression of concern over the sad plight of democracy in India

Indians For Democracy will seek an interview with the President at the earliest

Indians For Democracy have also arranged to put all relevant documents about the situation in India into congressional records through Congressman George Brown

In this way the documents will be available to all Congressmen for scrutiny and reference during debates

Indians For Democracy are also contacting Congressmen like Frazer who heads the International Relations Sub Committee of the US Congress so as to secure Congressional hearing on the situation in India

They have also met eminent Senators like Edward Kennedy, Charles Percy and Birchbath, and the Democratic presidential candidate

Indians For Democracy have contacted the Americans For Democratic Action and through them are trying to get statements from all the presidential candidates critical of Mrs Gandhi

The organization is also in touch with War Resisters

International, Peace Foundation and Amnesty International

Some other international organizations Indian communities in other countries and the US labour organizations are also being contacted

Indians For Democracy is publishing a tri weekly newsletter *Opinion* to publicize the news from India about the resistance movement

A National Steering Committee of Indians For Democracy has been formed Its members are

Shri Jitendra Kumar (Consulting Engineer)

Shri SK Poddar (Businessman of Michigan)

Shri Anand Kumar of Chicago

Shri Hiremath (Engineer of Chicago)

Dr S Raju (Education Consultant) of Michigan

Five regional coordination committees and fifty chapter coordination committees have also been formed.

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Jack Anderson's writings like all foreign newspapers were banned This extract was sent by the underground writers

From UNITED Feature Syndicate

WASHINGTON—Despite the dictatorship Indira Gandhi has imposed upon India threatening the extinction of democracy in its largest and most challenging setting, the democratic spark still flickers in that teeming land

It can be found in the courageous letters and speeches of dissident Indian leaders including Members of Parliament who still dare to speak out against repression Their words cannot be published in India, so the suppressed statements have been smuggled to us

We stood up for India when its soldiers liberated the dreary, impoverished piece of earth now called Bangladesh We condemned our own government for its deception and duplicity during the India Pakistan conflict.

For exposing the secret works of Richard Nixon and Henry Kissinger we were hailed in India Jack Anderson rallies were held there thanking us for telling the truth Now it is our mournful duty to expose the secret works of Indira Gandhi.

The smuggled documents tell a depressing story of political intimidation, Press censorship and prison abuse. Yet the letters and speeches reveal that India, too, has its Alexander Solzhenitsyns.

These undaunted opponents still speak out, even as their colleagues are arrested in the halls of Parliament. In an angry letter to the Indian Speaker, one outspoken Member of Parliament, Era Sezhiyan, decried the arrest of colleagues during actual committee sessions.

"Several leading Members of Parliament, both from the opposition side and the ruling party," he protested, "are incarcerated for reasons best known to the government. This strips Parliament," he charged, "of its meaning and purpose, it loses its basic character as a debating body." Concluded Sezhiyan, "with a Press silenced and Members prevented, the House becomes a muted museum."

A similar cry was raised in the Indian Senate by another bold Member, NG Goray, who shouted out the names of colleagues who had been arrested. LK Advani, AB Vajpayee and Madhu Dandavate.

Still another, AK Gopalan, charged that "34 Members of Parliament have been detained without trial." This had reduced Parliament, he cried, to "a farce and an object of contempt."

These speeches, of course, were never mentioned in the censored Indian Press. "The Press is often called an extension of Parliament," explained Sezhiyan. "Hence for effective functioning of a Parliament, there should be full facility and freedom for the Press to cover the proceedings and to publish all that is said. Any curb on the activities of the Press, overtly, will make a Parliamentary debate unreal."

Goray hurled a challenge directly at Indira Gandhi's supporters. "Why are you afraid of the Press? I would like to ask my friends, are you going to make democracy a woman in *purdah* that nobody should look at her, nobody should touch her and only you people will speak to her?"

Some of the jailed Indian legislators, meanwhile, allegedly are suffering from atrocious prison conditions. One of the letters, smuggled to us, was written by three Members of Parliament to India's Home Minister Brahmananda Reddy.

The letter complains that their colleague, Jyotirmoy Basu, is

held in solitary confinement in a dark, insect-infested jail cell. He wasn't told the reason for his arrest, nor was he permitted to see his wife and son, the letter protests.

"We understand," the letter declares, "that he (Basu) has been kept in complete isolation in a solitary cell in Hissar Jail. No person other than those on duty are allowed to go in. The cell has no window or door excepting a small ventilator at ceiling height and a grilled iron gate.

When there is a dust storm, he has no protection from such storm. The cell also gets flooded when there is a downpour. We further understand that to make the isolation complete, the jail authorities have fixed two thick blankets on the courtyard gate so that nothing outside is visible for him.

For a number of days, there were no switches for the lights that were in the cell, so he had to sleep with a powerful bulb on throughout the night, which attracted thousands of insects. Subsequently, the bulb was removed, but he had to live and eat in darkness."

Other protest letters paint a similar picture. One letter, signed by 19 Members of Parliament, condemns the Gandhi government for its "highhanded and inhuman treatment of the the political prisoners who have been arrested." Estimates have placed the number of political prisoners as high as 50,000.

At the Indian Embassy, a spokesman acknowledged that the Press is now censored in India and conceded that many speeches in Parliament, therefore, go unreported. But the reports of prison atrocities, he said were "absolutely untrue."

The spokesman insisted that India remains a democracy because it has an elected Parliament. This recalls the words of George Orwell: "It is almost universally felt that when we call a country democratic, we are praising it, consequently, the defenders of every kind of regime claim that it is a democracy."

Footnote: Indira Gandhi's acquisition of dictatorial powers hasn't stopped the flow of US aid to India. President Ford has asked Congress for another \$76 million for India this year. On Capitol Hill, there is some sentiment to cut off aid to India, but the US has financed many a dictatorship worse than India.

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Appeal After Reading This Please Circulate It Further

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INDIAN CIVIL RIGHTS MARCH IN LONDON*

The Times, January 26, 1976

Miss Tyler 200,000 in jails and prison camps

By a Staff Reporter

About 2,000 supporters of the Alliance Against Fascist Dictatorship in India marched from Speakers Corner in Hyde Park, London, to 10 Downing Street and India House yesterday to hand in letters protesting against the suspension of civil rights in India and calling on the British Government to withdraw its High Commissioner from Delhi.

The alliance, which was formed in London last October and includes representatives of all opposition parties in India except the Communists, also called on Britain to "come out openly against the fascist dictatorship in India" and to raise the matter in the United Nations.

At a Press conference before the demonstration, Miss Mary Tyler, the British school teacher who returned from India last July after five years in jail awaiting trial, criticized the silence of the British Government and the media on the plight of the Indian people. It was significant, she said, that when the Spanish Government executed five revolutionaries last autumn, the British Ambassador was withdrawn from Madrid in protest. Yet the hanging of two peasant leaders by the Indian Government in December went unremarked.

Miss Tyler spoke of the 200,000 opponents of Mrs Gandhi's regime who were now in jails and prison camps. They had neither the right to appeal nor to know the grounds for their detention. Her own husband, arrested in 1970, was still in jail without ever having been brought to trial.

On the eve of the celebration of India's twentieth Republic Day today, the alliance was demanding the release of all political prisoners, freedom of speech, assembly and publication, the right to strike and the end of all foreign interference.

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INDIA AS BRITISH MPS SEE HER

Shri Wilham Whitelaw, a British MP who attended the Commonwealth Parliamentary Conference in Delhi, told the BBC that the discussion on the Emergency situation in India was almost nil in the conference

When one of the delegates raised a question on it, then other delegates particularly those chosen by the Govt of India, read out long speeches to drown and bypass the question. Some delegates even described the question as provocative said Shri Whitelaw

In reply to a question, Shri Whitelaw said that the Indira Government will gain nothing by jailing her opponents because terror is counterproductive as the British learnt from their own experience

The British MP said that Shrimati Gandhi had complained to him about the British paper's opposition to her. He told her clearly that she should lift Press censorship in India if she wanted to win the goodwill of the British Press. Another MP Shri Michael Marshal said that "India is sad today"

He said that while outwardly the atmosphere is normal yet democracy seemed to be in a state of shock due to government action. The BBC says detenus in India are 90 000

West German Minister

West German Minister for Economic Cooperation, Egon Bahr, revealed at a Press conference in New Delhi on January 25 that "some persons in the Government of India are themselves unhappy about the declaration of Emergency"

This part of his statement was cut out by the censor but Mr Bahr reiterated it in a talk with the journalists later. The journalists understood it to mean that some of the Ministers at the top have frankly given him their own misgivings at the Emergency and its extension about which the Cabinet was not consulted in advance

Mr Bahr's response came when the Reuter correspondent asked his opinion about the restrictions under which foreign correspondents have to work in India since the declaration of Emergency and the threat of expulsion on many of them for writing the truth

Earlier the West German Minister in answer to another

question revealed that several people in West Germany were concerned over the Emergency. He said that all that he wanted to say was that all wanted to see that India returned to full forms of democracy. But this had to be left to those in positions of responsibility in India. One of the principles of Germany was not to interfere in the internal affairs of another country

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VARANASI, 30th August, 1975

Editor—Devarshi

Mournful Catastrophe

The famous American journalist Jack Anderson had said that if President Nixon had assumed Emergency powers in the way Shrimati Gandhi has done, "no one of significance (in his Government) would have obeyed his orders"

Jack Anderson played a great role in exposing Yahya Khan's crimes in Bangladesh. He also exposed President Nixon's role in the Watergate Scandal and CIA's role in Vietnam. He describes the assumption of dictatorial powers by Shrimati Gandhi as "a catastrophe of the most mournful kind"

Jack Anderson says that there are more than 500 federal laws delegating extraordinary authority to the American President during national Emergency. "Theoretically Nixon could have fabricated an Emergency, he could have put Washington under Martial Law and manipulated all those wires to put down his accusers." But, Anderson says, "it is a matter of pride for the Americans that Nixon dared not to do it, even when he was pushed into the Watergate corner"

Indira Responsible for Mujib's Murder

A report in *Manchester Guardian*, the well known British paper holds Shrimati Gandhi indirectly responsible for Mujib's assassination in Bangladesh

The correspondent Mr TD Allman says that many Bangladeshis think that India Gandhi had encouraged Mujib to assume dictatorial powers. "Mujib's fate was sealed after she decided to impose a Mujib style authoritarianism on India," as they thought that there was now "no hope of Mujib relaxing his position and becoming less arbitrary"

Manchester Guardian has already accused India Gandhi of "castrating" not only the Press and the Parliament but also the Courts. It says she has "shifted into full autocracy."

The New York Times has accused Indira of "abusing and subverting" the Constitution for personal ends.

The Washington Post says Sanjay Gandhi and his gangsters are now ruling the country.

Newsweek of August 18 has said the constitutional amendments hastily passed by a rubber-stamp majority in the Emergency session of the Parliament are "meant to make Indira's power absolute." While the Opposition boycotted the session after the first two days, Mr Mohan Dharia raised his lone voice against "a surrender of parliamentary democracy to the coming dictatorship."

Newsweek has particularly made fun of the amendment of the election laws legalizing her election offences.

"What to do if convicted of breaking the laws? Simple, just change the law, retrospectively," says the newsmagazine.

It also said that 50,000 people were in jail by the first week of August.

Time Magazine says, "Last week, in the harshest step toward authoritarianism since the original clamp-down, India rammed through Parliament a bill that would end her current battle with the country by changing—retrospectively—the election laws she had been convicted of violating. With most opposition members absent in protest in prison, Parliament passed legislation that rewrote the very laws under which she had been convicted."

Time said estimates of the arrested were as high as 60,000.

Far Eastern Economic Review of Hongkong says in a report on India, "The Emergency is encouraging police *zoolum* (terror rule). In Bombay, as in New Delhi, there are arrests without reasons given, and releases after payments are made. A boy flying a kite was detained in New Delhi. His mother had to bail him out by paying Rs 250."

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A twisted language, taunting, insinuating and sometimes hurling abusing on the President and the Prime Minister was used in the circulated pamphlets. The following are two examples.

SHAME ON YOU—FA AHMED, RUBBER STAMP PRESIDENT'

* You not only ordered public beating of small children

* But also eye-witnessed it

And thus you Celebrated the Birthday of the Witch

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Venue of the public beating—National Stadium, New Delhi

Date —Birthday of the witch

Time —Evening

It all happened with a lightning suddenness which even baffled the security men who hovered around the made to order audience of colourfully clad, aromatically perfumed and heavily made-up ladies flaunting talcs, puffs and lipsticks of all hues and shades—the butterflies of the 20 points

The witch had flown to Sikkim on a broom provided by the Indian Air Force.

Arrived on time was FA Ahmed, the nominal President of India who had once prided himself on being called the Rubber Stamp of the witch.

The necessary ceremonials attached to his office (butterflies standing, tra-tra ra-ra of the bugles, the brass band wasting its breath on the glorious National Anthem) over, the colourful audience of butterflies sank back onto their bunks—ooh! these wooden things were most uncomfortable to rest the "socialist" and twenty-pointed posteriors of such a delicate audience!

Precisely at this moment the 36 brave school boys—age group 12 to 16 years—green by any standard—rushed towards the Rubber Stamp President who had just taken over the mikes. There was a big array of them, including those provided by the All India Radio. These green years carried on their shoulders the solid courage of conviction

They took charge of the mikes and poured into them words of courage. The mikes happily responded to the manly slogans—

Shri Revanasiddappa Arundi, MLC, was arrested while offering *satyagraha* on the 17th at Sulepet in Chincholi *taluk* of Gulbarga District

Eight *satyagrahis* arrested on the 14th at Channapatna in Bangalore District.

Shri MC Basappa, MLC, was arrested for offering *satyagraha* on the 14th in Mysore

Satyagraha is being offered daily from the 14th at Bijapur. Among those arrested was Shri BK Gudadinni, a veteran leader

Ten *satyagrahis* were arrested on the first day of the *satyagraha* (14th) at Chitradurga

Satyagraha has been launched in all *taluks* of South Kanara District. The highest number of *satyagrahis* arrested was in Belthangady *taluk*. Sizable numbers are courting arrest at other centres as well. 300-400 are already in jail

Shri CM Ibrahim was taken into custody on the 16th

Preparations are afoot to offer *satyagraha* on the 20th, 21st and 22nd by leaders of all non CPI Opposition parties

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Mrs Gandhi's Twenty Point Programme was interpreted as below

- 1 T Throttle judiciary so that legislature and executive may conspire against civil liberties
- 2 W Woman intoxicated with power of wine is bent upon butchering democracy to grind her OWN axe.
- 3 E Establishment of dictatorship of RUSSIAN type
- 4 N Neo-economic reforms to be introduced to build up personality cult at the cost of real welfare of the masses
- 5 T Toy with the idea of ECONOMIC EQUALITY and social justice to befool the masses so that Rajiv Gandhi may own and run five star hotels in Italy
- 6 Y Youth to be imprisoned so that the masses not be organized for the achievement of the goal of TOTAL REVOLUTION
- 7 P Protests and processions to be banned so that the political workers may not ventilate the grievances of JANTA

- 8 O Oust sincere, honest and outspoken Congressmen from Congress (I) so that the fellow travellers (CPI) may rape democracy in broad daylight
- 9 I Intellectual slavery of Russia
- 10 N Nasty and nonsensical amendments to the constitution to protect the chair by hook or crook
- 11 T Torture the patriots and tyrannize the masses so that Indira may rule like a despot.
- 12 P Poison the masses against JP and RSS by false, baseless and malicious propaganda through the government controlled Radio, TV, government publications and chained Press.
- 13 R Retire honest sincere and outspoken officials in order to make room for the promotion of corrupt and committed YES MEN
- 14 O One-act play with only one ac'or to be staged in such a way as the masses may be misled that INDIA IS INDIRA & INDIRA IS INDIA, the country can't survive without the lady who is devoid of POLITICAL DHARMA
- 15 G Grope into darkness to transform into a reality the so called socialism which exists only in the imagination of Smt Indira Gandhi
- 16 R Repressive measures against the opposition to pave the path for the worst type of dictatorship
- 17 A Anti RSS phobia and amendments to destroy the basic features of the constitution
- 18 W Mist of so called progressive legislation to be created to weaken the vision of the masses so that they may not witness the LINGERING DEATH which is being inflicted upon the democratic institutions and traditions of the soil
- 19 M Murder mercilessly DEMOCRACY so that Indira Gandhi may claim that she has carried out HER OWN PATH which is entirely contrary to the path of democracy followed by her father the late Pandit Nehru
- 20 E Enlightened intellectuals to be put behind the bars so that they may not expose the dirty destructive and dictatorial designs of Indira Gandhi

SANGARSH SAMITI

Here are a few more releases giving news about the underground writers

CONGRESS SESSION AND LOK SANGHARSH SAMITI (Supplementary)

(1) *During the Procession* There was no response from the public about the slogans raised by CID people in the guise of Congress Sewa Dal Volunteers. They become very much anguished. The people's reaction from the audience was that they would have echoed the entire environment against the totalitarian, barbarous and despotic rule provided there had been no black Emergency and lawless MISA.

"However can this murder of civil liberties and democracy be tolerated? It will be impossible for the brute rulers to suppress the revolting minds for long," was the common feeling.

(2) The gates and arches that were raised on the entire route of the procession, cost the Government Rupees 6 lakh only. What a criminal misuse of the public purse!

(3) "Dalgir" a student of the Punjab University worked as a Congress Worker in the office of the Punjab Congress Bhawan for a couple of days. On 27/12/76 he went to his residence and within a few hours, his residence was raided by the police party. This was the result of bitter rivalries between the various factions of the Youth Congress. DALGIR has been dubbed as pro-Sangharsh Samiti. As yet, Police has failed to have the "Youth" in its clutches.

(4) *A Revolutionary reveals his mind* A Sangharsh Samiti worker along with a prominent social worker of the town had a chance to meet an old Revolutionary, an associate of S Bhagat Singh and Azad, a man who has been jailed for pretty long years for the cause of freedom, and who later on played a significant role in the Punjab Legislature as being on a key post. While analyzing the present brute, despotic rule and the *satyagraha*, the grand old man commented, "I have never seen and experienced such a terrible suffocating situation. Democracy has been throttled and the Constitution trampled. The cruel atrocities are frightening. Still the glorious movement of *satyagraha* about which not even a single word has been allowed to be published in the newspapers is par excellence."

(5) *Literature of the Sangharsh Samiti* The devoted workers

of the Sangharsh Samiti succeeded in providing its literature to delegates, AICC members and other highups along with the citizens of the town during the Congress Session. A top ranking Police Officer, who was deputed to shadow the Dictator was astonished when he saw the literature in his own jeep. He hurriedly went through the leaflets and then surprisingly put them in his own pocket. A Sangharsh Samiti worker was enjoying the scene.

(6) *Impact of Satyagraha Dictator's route changed* The news of flag demonstration, *Satyagraha* and brutal *lathi* charge on the brave young men during the procession of the Congress President, spread like wild fire throughout the city. Within minutes, all police and intelligence units were warned by the wireless to be vigilant. The time of the Dictator to reach Chandigarh was fast approaching. Authorities apprehended *Satyagraha* and demonstrations. It was clear from the talks that went on among the highups who had gone to the aerodrome to receive the Dictator Prime Minister was to reach the Congress Bhawan in Sector 15. Being scared of *Satyagraha* the entire route of the Dictator to reach Congress Bhawan from the Aerodrome was changed at the eleventh hour. Police had a very hard time.

It is evident how popular our DICTATOR PRIME MINISTER is among the masses.

LOK SANGHARSH SAMITI

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LOK SANGHARSH

(From our Correspondent)

FIRST WEEK OF SATYAGRAHA—9390 ARRESTED

Nine thousand three hundred and ninety volunteers of the Lok Sangharsh Samiti were arrested all over India in the first week of *satyagraha* (November 14 to 20 November) against Shrimati India Gandhi's autocracy against democracy and the fake Emergency.

The protesting patriotic citizens raised slogans demanding restoration of civil liberties while courting arrest all over India

Statewise figures of arrests are as follows Punjab 45, Haryana 255, Rajasthan 360, Himachal & Jammu & Kashmir 60, UP 1325, Bihar 1800 W Bengal 132, Assam & Manipur 124, Orissa 103, Andhra 360 Tamilnadu 108, Kerala 540, Karnataka 1375, Maharashtra 1430, Vidharba 275 Gujarat 200 MP 418

Even according to the information received in the Union Home Ministry, 2500 *satyagrahis* were arrested at 540 places all over India on Nov 14 and 15

However, it is known that the Government figures are generally much lower than the actual For example while 58 *satyagrahis* had been arrested in Delhi by 9 p m on Nov 14, the figure given by the police sources to the foreign correspondents was 32 and the BBC broadcast this very number

According to the Lok Sangharsh Samiti sources 5460 *satyagrahis* offered themselves for arrest on the first day

It may be pointed out that in Delhi and Bombay *satyagraha* is offered daily, in other parts of India it is held once a week

While in Delhi, Shri Ishwar Dass Mahajan, former Chairman of the Standing Committee of the Delhi Municipal Corporation led the *satyagraha* in historic Chandni Chowk In Lucknow a former Deputy Chief Minister started it at the Lal Bagh crossing in front of the statue of Lokmanya Tilak

Thousands of citizens gave an inspiring farewell to *satyagrahis* in Delhi amidst scenes reminding one of the days of the freedom struggle A number of foreign pressmen and TV men were present

The *satyagraha* in Delhi went on from 4 to 9 30 p m

Deeply impressed by the atmosphere and spirit of self sacrifice surcharged with patriotic emotions a foreign pressman remarked, "There is still hope for democracy in India Democratic forces are still alive and they enjoy mass support"

As the *satyagrahis* threw pamphlets into the air, policemen ran to prevent people from picking them up Still, the people rushed to grab at the pamphlets Policemen also tried to prevent the *satyagrahis* from shouting slogans by putting their hands on the mouths of the *satyagrahis*

SHRI PC SEN'S SPEECH AT CALCUTTA

Shri PC Sen, a former Chief Minister of W Bengal sounded the bugle of Lok Sangharsh in Calcutta at a public meeting on November 14. He called upon all lovers of democracy, particularly the youth, to offer maximum sacrifice for the sacred aim of getting Emergency and censorship lifted and the release of all political detainees.

He declared that he would offer himself for arrest on Nov 25.

Satyagraha was launched in the State with the forceful demonstration at the Courts in 24 Parganas, Howrah and Hooghly.

LARGE SCALE DISTRIBUTION OF LOK SANGHARSH LITERATURE

After 20 weeks of lull since the proclamation of Emergency political atmosphere in the Capital is once again surcharged, what with slogans of *satyagrahis*, large scale distribution of pamphlets and posters by the Lok Sangharsh Samiti and police and CRP presence all over the city.

Pamphlets are being distributed in cinemas houses, buses and market places every day. More than a lakh of pamphlets and posters were distributed in the cinema halls of the capital on Nov 13 on the eve of *satyagraha*. People praised the spirit of the volunteers who thus undertook to break the atmosphere of terror let loose by Shrimati Indira Gandhi.

JP NARAYAN RELEASED ON PAROLE

While Shri Jayaprakash Narayan was released on parole for health reasons on November 13 for one month, Shri Atal Behari Vajpayee has been "technically", released for health reasons for 15 days, but no one is allowed to meet him.

After release from Chandigarh, JP was admitted to the All India Institute of Medical Sciences, where Shri Vajpayee is also admitted. JP's kidney has been badly affected because of solitary confinement in a Chandigarh hospital. A number of friends and admirers have met him daily. Some official and foreign correspondents also met him.

JP's arrival in Delhi has given rise to much political activity and speculation. Foreign correspondents feel that his release was because of the Government's desire to start talks (according to a report in the *London Times* the Home Minister Shri Brahmananda Reddy and Prime Minister's Principal Secretary Shri PN Dhar were expected to meet him during his stay in Delhi). This *Reuter* report in *The Times* (Nov 15) also said that JP would urge lifting of Emergency and censorship and release of all detainees followed by elections at the normal time in March 1976. This was the way to end political crisis, he said.

It is reported that Shri PN Dhar has already met him. Official circles said JP had not changed his views at all.

In a comment on JP's release, the BBC said that it was significant that JP was released only after the Supreme Court judgement in Shrimati Gandhi's appeal. But he is still not allowed to participate in any political activity. (It also said that if JP had died in detention, the Government would have been faced with a difficult situation.)

VAJPAYEE OPERATED UPON

Shri Atal Behari Vajpayee, the Jana Sangh leader, has been operated upon for some serious ailment of the spinal cord. The operation was completely successful and Shri Vajpayee is in a cheerful state of mind. While the Government claims that he has been released on parole for 15 days on November 14, no one is allowed to meet him. Shri Vajpayee had been kept in the All India Institute of Medical Sciences for nearly four months. Like JP, he was also in virtual solitary confinement.

CONGRESS (R) COLECTING CRORES

The Ruling Congress has launched its election fund collecting drive under the leadership of Shri Sanjay Gandhi. (He has set a target of Rs 100 crores.) Collection quotas have been fixed industry wise. Well known capitalists and feudal lords have been pressed in for the purpose. State Chief Ministers and Ministers are also told to be active.

The Film Industry has been asked to contribute 2 crores. Quotas have also been fixed for other favoured industries like

the sugar and drug industries

Thus the nervous ruling party is out to further damage democracy by breaking all previous records of misuse of black money (It is clear that Shrimati Gandhi is not sure of its chances before the Janata Front in an open selection inspite of the Niagara of nonsense and falsehood let loose by her through mass media)

SANJAY'S NEW ROLE

The Prime Minister's younger son Shri Sanjay Gandhi has started accompanying his mother to all important public functions and coming into the limelight which he had been avoiding so far. Thus he feels himself mature enough and confident enough to pass as her heir apparent and act as her principal political adviser and trouble shooter. He is now seen standing beside or behind her in a number of her functions shown on TV. (For example, at a police parade in New Delhi, he stood by her side in a jeep when she went out to take the salute.) The policemen shouted *jais* of Shrimati Gandhi thrice at the end of the function, showing that they are paying special attention to the indoctrination of police forces.

SPURT IN UNDERGROUND ACTIVITIES WORRIES GOVERNMENT

According to police sources in the capital, the Government is greatly worried over the increase in the underground activities leading to public criticism of Shrimati Gandhi and her Emergency.

The Prime Minister had to face slogan shouting demonstrators at the Palam airport before going to Sikkim. (Earlier at her late father's samadhi in Shanti Vana, a number of protesting opposition workers courted arrest in her presence on November 14. Still earlier, slogans were shouted against Emergency at Rajghat on October 2 and 7 and volunteers were arrested in her presence.)

On November 19, 7 volunteers shouted slogans like 'Save Democracy and Shanti Vana' and were arrested in the National Stadium, New Delhi when a physical programme commemorating her birthday was going on in the presence of

60,000 school children and invited citizens One of the poetic slogans printed on the posters distributed in National Stadium was "Meri Gaddi, Mere Chamche, Mere Photo, Bhashan Charche" (Let my throne, my courtiers, my phototos and speeches be secure)

Another slogan was "Janata uljhe noon tel men, Rahen virodhi sabhi jail men" (Let the people be kept worried about the problem of daily bread and let all the opponents be kept in jail)

TEENAGERS UNDER MISA

Meanwhile out of the 20 volunteers of the youth forum arrested in Red Fort on Nov 1 for staging anti-Emergency demonstrations in the presence of delegates of the Commonwealth Parliamentary Conference, 6 of them who were teenagers were released on bail But all of them were rearrested under MISA Thus the Indira Government enjoys the dubious distinction of detaining even teenagers under MISA

DEPUTY DICTATOR BANSI LAL

Chief Minister Bansi Lal, the deputy dictator of Shrimati Gandhi is marking himself out for ill treatment of *satyagrahis* Here are some examples

- 1 In Rewari jail, Shri Om Prakash Grover, the District Secretary of the Jana Sangh was put in fetters when he appealed to the jail authorities for proper treatment
- 2 In Hissar, Dadri and Panipat, the police beat up the Lok Sangharsh Samiti volunteers when they offered *satyagraha* People watching the scene condemned the police behaviour by crying "Shame, Shame"
- 3 As usual, Ch Bansi Lal is busy implicating respectable citizens in false cases The latest case is the of Ch Raghuvir Singh Saini, advocate of Panipat, and four citizens of Rohtak All of them were released by the courts

SM JOSHI EXPOSES CPI

The Socialist leader Shri SM Joshi has exposed the CPI game of

holding anti fascist conferences all over the country in cooperation with the Ruling Congress

In an article in the Marathi Weekly *Sadhana*, Shri Joshi says that during the 1942 freedom struggle the communists used to call Mahatma Gandhi, Pt Nehru and other Congress leaders fascist. Now they call JP and his supporters fascists.

"Whatever the CPI condemns must be right and whatever it supports must be wrong just as Lokmanya Tilak used to say that 'Whatever the *Times of India* criticized must be right and there must be something wrong with whatever it praised'," says Shri Joshi.

20 LIES OF MRS ANTI-GANDHI

"I look upon an increase of the power of the State with the greatest fear, because, although while apparently doing good by minimizing exploitation, it does the greatest harm to mankind by destroying individuality which lies at the root of all progress," said Mahatma Gandhi.

Just a few hours before his arrest on the night of June 25-26, Shri Jayaprakash Narayan had told a mammoth rally in New Delhi that Mrs Indira Gandhi had lied 27 times in her statement before the Allahabad High Court. A lawyer friend who read the judgement carefully, had told JP that her statement on oath had been disbelieved by Justice Jag Mohan Lal Sinha on 27 counts.

However, since June 26 Mrs Indira Gandhi has launched a reign of naked terror and let loose an orgy of falsehood. She has broken her own previous record in telling black lies in a bid to discredit the democratic opposition and impose fascist dictatorship on the country. Her latest lie is that but for the Emergency, she and her family as well as some Chief Ministers would have been finished.

Mrs Gandhi has successfully prevented the other side of the picture from appearing in the press which is now heavily chained and paralyzed. But people know what is what. The result is that like her Indira Vani and TV, the Indian Press has also lost credibility. Still she and her newfound Goebbels VC Shukla, believe like Hitler that a lie told again and again is ultimately accepted as the truth. But this is the very antithesis of what

Gandhiji lived for

Here is a small list of some of her more glaring lies told since June 26. An intelligent man in the street's replies are also given along with the lies that she told in her almost daily interviews and public harangues which have made her the laughing stock of the world.

1. Mrs Indira Gandhi says that there was a "conspiracy" by the JP led opposition to create chaos in the country

She has not produced a shred of evidence to prove the "conspiracy" charge. On the other hand, the imposition of Emergency has proved her own dark designs, particularly the midnight swoop on eminent leaders and thousands of opposition workers and their detention without trial. The push button use of police terror shows that that she had been perfecting a fascist apparatus for long.

2. Mrs Gandhi says that she is working within the Constitution and that she has not given up democracy. She also denies that she is a dictator or that she is ushering in one party rule.

Obviously, she has her own peculiar brand of democracy akin to Nazi fascism. Her lip service to the Constitution and democracy is a stratagem meant to restore her heavily eroded credibility and legitimacy at home and abroad. Everybody believes that she has embarked upon a suicidal course of dictatorship.

Indira got a state of Emergency proclaimed by a rubber-stamp President on June 25 just as Hitler got signed from President Von Hindenberg the Decree for the Protection of the German People, which curtailed freedom of assembly and of the Press, banned public meetings considered dangerous to 'national security', and also banned strikes.

The much hated Maintenance of Internal Security Act (MISA) was twice amended to bar the courts from hearing appeals against even mala fide detentions. One of Mrs Gandhi's government pleaders Mr SC Chagla has recently told the Bombay High Court during Criminal Application No 20 of 1975 that since Article 21 stood suspended along with the Article 14, 19 and 22 embodying some of the cherished fundamental rights of the

Constitution, a detainee could be starved to death or even shot down, and it could not be challenged in a court Of course, the court rejected this Indira government's super-Hitler plea Among the countless detentions under MISA, there are those of a mother Mrs Ramkali Mishra and her polio-stricken 7-year old daughter Baby Arti Mishra in Bhopal, and of a couple at Jabalpur whose three children aged 5, 9 and 12 are left alone and helpless at home.

It may be recalled that Hitler's Minister for Interior Goering, also gave similar open licence, on the night when the German Parliament was on fire, to the police, to liquidate the opponents and smash the free newspaper offices

In this context, it may be pointed out that she had told a party colleague in 1969 (who is now in jail) that she wanted to be like Tito and that she would make elections so costly that no opposition party would ever have any chance of success against her

Pressure is being mounted on opposition Janata Front Government in Gujarat just as Goering did after finishing the constitutional government in the province of Prussia and secured its suppression ultimately The opposition run DMK Government of Tamilnadu is also under similar pressure

3. Indira Government's Brochure on Reasons for Emergency says that the Emergency was imposed to save nation from lawlessness.

This is a patently false plea to cover her sinister designs In fact she has launched an era of lawlessness, victimization and personal rule Her word is law now

It is now universally believed that Indira has purposely fabricated the emergency to

(a) Escape the political and moral consequences of the Allahabad High Court judgement

(b) Shift the balance of political forces in her favour through the use of State power Her communist allies are openly writing that the Emergency is meant to smash the opposition She had lost to the democratic opposition in Gujarat on June 12 and the Janata Front was emerging as the clear alternative at the all India level This had made her panicky

(c) Suppress the revolt in her own party 150 Congress MPs had signed a letter asking her to resign That is why even leaders of her own party like Mr Chandra Shekhar and Mr Ram Dhan (Secretary, Congress Parliamentary Party) have been rotting behind bars

4 In an interview to Mr Rk Karanjia of the *Blitz* Indira has claimed that she did not have to use force since the declaration of Emergency

This is the height of shamelessness Mahatma Gandhi had once described the state as "organized and concentrated violence" He described the use of State force against peaceful citizens as "Satanic But power mad Indira seems to relish the use of State force

If deployment of lakhs of CRP, BSF policemen all over India for ramming the Emergency down the throats of the people is not use of force, one would like to know what it is Obviously, she has her own Moscow-brand dictionary of politics

Several towns were put under curfew after the Emergency proclamation There were 22 firings and *lathi* charges in Bihar and 40 students were hospitalized in Cochin as a result of police violence Even spectators watching *satyagraha* were beaten up in Delhi 750 University teachers and students were arrested in Delhi in July end

A Gandhi Jayanti prayer meeting on October 2, was broken up at Rajghat, the famous Gandhi Memorial at Delhi A long time associate of Gandhi, Acharya Kripalani and his personal physician Dr Sushila Nayar were not allowed to speak Shri HV Kamath the great founding father of India's Constitution, has been imprisoned for being present at the Gandhi Jayanti prayer meeting He does not know his 'crime'

5 She has described the Emergency as an era of discipline and stability

This is another black lie Her Emergency is an era of widespread uneasiness and deep resentment because of irresponsible use of power and rank discrimination and exploitation

Coercion and terror can never achieve discipline. They can at best bring about the peace of the graveyard which is what Indira has achieved. Below the veneer of deceptive conformism in the country, there is deep sense of instability as everyone feels unsafe.

The way some Congress & CPI workers have been acting as police touts and harassing citizens has caused burning anger. Steel helmeted policemen are dominating the campuses. Even teenagers are being hauled up and tortured. Police sub-inspectors have enrolled themselves as students and hostellers in Delhi University and the Jawaharlal Nehru University. Students have been enrolled as informers. A teacher was arrested in a local college just 20 minutes after he made a comment on Emergency in reply to a question in his class. Officials are being compulsorily retired for extraneous, partisan and personal reasons.

6 Mrs Indira says that the opposition was trying to weaken the morale of the nation

The morale of the nation is in fact being weakened and shattered by Indira herself. Opposition is silenced. Nobody is allowed to hold his head high and the freedom of Tagore's conception is now taboo.

Her attempt is to make Indians a nation of slaves and cowards who cannot speak out their mind and dare not have the courage of conviction. She wants to make India a police State and outlaw dissent.

This is the very antithesis of what Mahatma Gandhi tried to do. Whereas Mahatma Gandhi made men out of clay, she is reducing Indians to spineless men of straw.

7 Mrs Indira and her mouthpieces claim that she has been convicted by the Allahabad High Court only on technical and minor offences

Only some foreigners are taken in by such propaganda. In the Indian context, the unabashed use of official machinery and 'black money' from smugglers and industrialists from the central to the village level by her party has assumed the proportions of an epidemic and national catastrophe. This is the secret of her

inflated strength in legislatures

The Allahabad Judgement has shown that even the Prime Minister, the supreme leader of the ruling party who should be above reproach like Caesar's wife is not above corruption

8 Mrs Gandhi says that the opposition had been denigrating the office of Prime Minister

It is a black lie. She herself is responsible for the said denigration by refusing to resign after conviction by a High Court. The opposition was trying to restore the prestige of the office

Under similar circumstances she had advised her Minister Dr Chenna Reddy to resign in 1968 even when his election appeal was pending in the Supreme Court. Dr Reddy had obeyed her

Moreover the Supreme Court had granted her only a partial stay and refused to lift suspension of her membership of the Lok Sabha. The vacation Judge had also said that he was leaving the question of her resignation to moral and political propriety

She had also denigrated the office of the PM by permitting the use of her official residence for her son's business ventures. That son Mr Sanjay Gandhi is now being groomed as heir apparent and is ordering about arrests of prominent public workers and striking deals with monopolists

She had also denigrated her office in 1969 by first nominating Mr Sanjeeva Reddy as her party candidate for Presidency and later backing out in the name of conscience. Black money was used for the first time in the Presidential election on a massive scale

Moreover Mrs Indira Gandhi herself led an extra Parliamentary movement against the Communist Ministry of Kerala in 1959 in her father's lifetime and brought it down three years before its term expired. She was the Congress President at that time. Surely what was right in Kerala could not be wrong in Gujarat and Bihar

9 She says that the Emergency has been hailed universally within the country and by all the well wishers of democracy abroad

It has been hailed only by her henchmen, hangers on and the Moscow communists. People in general are in a sense of shock and their lips are sealed. Thousands have offered *satyagraha* in Delhi, Amritsar and elsewhere as a protest against her Emergency.

People are being compelled to sign pledges of personal allegiance to her, on pain of detention and threats of economic ruin. Guilds of traders and workers' unions are being forced to publish posters in her praise.

- 10 Indira says that the opposition was not ready to wait till the next elections and that it was resorting to extra-Parliamentary methods to bring down legally constituted governments.

Again the boot is on the other leg. Although JP forcefully demanded the dissolution of the Bihar Legislature, because it had lost public confidence, he had said he was prepared to wait for the people's verdict in the next election. In fact her ministers and leading partymen had been saying in the Central Hall of Parliament and elsewhere that there would be no Lok Sabha elections in 1976. Surely, they knew what was going on in the mind of their leader. Moreover, her partymen had been talking of 'limited dictatorship' for over a year before the Emergency.

She had been shying away from elections in Gujarat where President's rule was twice extended. Morarji had to go on a fast unto death to force her to order elections. The Gujarat elections went in favour of the opposition.

- 11 Mrs Gandhi says that the "reaction" was opposing her "progressive" policies and blocking economic progress.

In fact, she has proved to be a disaster on the economic front because of her lack of vision and tie-up with the Indian and foreign vested interests and monopolists.

According to Mr VM Dandekar, Director Gokhale School of Politics, Poona, India's economic plans have misfired because they have been election-oriented. Much of the government expenditure and foreign aid have gone down the drain because of their unproductive and misdirected nature.

This has been especially the case during 9 years of Indira's

rule in which the *percentage of population below the poverty line has gone up from 40 to 66.*

In fact, her main strategy all along has been raising people's hopes through populist slogans in order to win elections. The result is a terrible frustration and backlash, to escape which she has imposed the Emergency.

One of her supporters, Editor Nikhil Chakravarti of a pro-Moscow weekly *Mainstream* has inadvertently exposed this lie of hers by saying in a recent editorial that the so-called "reactionaries" have provided the least obstruction to the implementation of her policies, the maximum obstruction has come from the entrenched political interests in her own party.

12 She claims fall in prices and rise in production in first 100 days of Emergency

Even some of the newspapers most vociferous in her support have contradicted her on this point. The pro-Moscow *Patriot* (September 26) has said in a front page news report that there is "all round rise in prices." *Blitz* and *New Age* have also contradicted her.

In fact, the government quotes only Super Bazar prices which are heavily subsidized and incur heavy losses.

The fact is that there was a very brief check in price rise because of fear psychosis. Wholesale prices have been rising since the middle of July.

The plight of the 90 per cent of the population not covered by fair price shops is worse. Price tags are arbitrary. Where there is any fall in prices, the quality of goods has gone down.

Industries are complaining of recession and trade has suffered a setback due to the atmosphere of fear, instability and restlessness in the era of Emergency. Retrenchment of workers has been reported from a number of industrial areas. But they cannot protest.

13. Mrs Gandhi says that the 20-point economic programme is aimed at establishment of a more egalitarian social order.

In fact, her 20-point programme is a new political manoeuvre. It is her new election manifesto and a populist programme.

aimed at making the rural poor forget her past promises of "Garibi Hatao". Ritualistic support to the programme has been made the order of the day. Big business is in the forefront of those professing lip service to it.

14. Indira has charged the democratic opposition with fomenting violence in Gujarat, Bihar and elsewhere

Two hundred persons, mostly students, were killed in Gujarat and one hundred in Bihar as a result of her government's violence. Indira Brigade men led by one of her party MLAs Phulena Roy, fired on a peaceful Janata Front procession in Patna on June 6 1974. Police gave *lathi* blows to JP himself when he was leading a mammoth peaceful procession in Patna on November 13 1974. His life was saved by the timely intervention of Nanaji Deshmukh, who sustained bone fractures in this attempt.

In fact, the JP movement has been remarkably peaceful specially in view of its mass character and huge dimensions. And her own party leaders have praised the Sarvodaya leader for his deep commitment to non-violence. They have admitted that he saved Bihar from going up in flames. But she wants to give a bad name to the democratic forces opposing her dictatorial designs.

15 She says that the opposition had brought the political issues into the streets

Nothing is farther from truth. Again she herself is guilty of bringing the political and even personal issues into the streets. Ever since her coup against the Old Guard in 1969, she has been resorting to communist and fascist style rallies outside her residence as a regular weapon against the opposition.

The so-called Youth Rally organized by her Chief Ministers on August 8 1974, with the unprecedented use of state machinery evoked nation-wide protest and the stage-managed June 20 rally in the Capital this year meant to take the issue of her conviction by the Allahabad High Court to the streets, are just two examples.

- 16 Mrs Gandhi says that the nation would have been *divided* and even *disintegrated* if she had not clamped down on the opposition

Quite the contrary In fact, the country will be divided if she is able to continue her dictatorial rule for long Her pronouncements and actions only betray her policy of "Divide and Rule" inherited from the British masters

- 17 She says that the opposition was obstructing the business of Parliament and many important subjects just could not get to a *discussion*

In fact, her government has consistently blocked the opposition attempts to expose corruption in high places and raise other public issues in Parliament This led to deadlocks, walkouts and uproars But like Hitler, she is, all the time, blaming the opposition

- 18 She has charged the Press of not performing its duties properly and guiding the opposition

It is well known that ever since the Congress split in 1969, her henchmen have worked overtime to manipulate the Indian Press They were not content with the massive immoral use of the Radio and TV for building up a personality cult and brainwashing the nation

A number of papers had advised her to resign after the Allahabad Judgement This was described as 'guiding the opposition' Hence, a *determined attempt to cripple the Fourth Estate* She thinks that the Press should always support the government policies

- 19 Mrs Gandhi says that there is now only voluntary Press censorship in India

It is her blackest lie It has been widely noted that the censorship that is now enforced in India is worse than that which ever existed in the days of dictators Ayub Khan and Yahya Khan in Pakistan

The Indian Press is now forced to carry only her numerous harangues and official handouts. There is a barrage of false propaganda against the opposition but nothing from the other side even by way of defence is allowed to appear.

More than 400 papers including the foremost political weeklies have closed down in the single state of UP. A number of editors have been arrested or prosecuted. Most of the foreign correspondents have been expelled. This only shows her totalitarian bent of mind and aversion to free debate and dialogue.

Pre-censorship has been re-imposed in some cases even for slightest deviation from the official framework. Mrs Gandhi's partisan line must be held up at any cost so runs the official guideline. Not a word of the Delhi High Court judgement in Kuldip Nayar's case was allowed to be published. Similar has been the fate of Bombay, Jabalpur and Bangalore High Court judgements which went in favour of detainees and have exposed government's illegal acts. And this is called "self-restraint" by the editors. What a lie from the Prime Ministership—in an attempt to mislead the World Press.

20 She has blamed the legal system and the courts for blocking the wheels of progress

This is a case of a bad workman quarrelling with his tools. It is a naked admission of failure to observe democratic norms.

As the *New York Times* has said, she identifies personal power with the people's well-being. And as *The Guardian* has said, after castrating the Press and the Parliament, she wants to castrate the courts also.

In fact, just now she considers independence of the judiciary as the only impediment in her headlong race to full dictatorship. Even the supersession of the Supreme Court judges and the complete subjugation of the lower courts has not helped her much. High Courts are asserting themselves. Hence she and her minions have been threatening "reform" of the judiciary and conferences are being held to suggest ever-desperate constitutional changes to make puppets out of the courts. The object is not at all welfare of the people.

Since the High Courts have released some detainees under MISA and DIR, her secretariat has been devising news curbs

for courts and puppet lawyers' bodies are indulging in threatening postures against the judges

Meanwhile, a number of detenues who filed writ petitions have been technically released and rearrested to make their petitions infructuous

And yet she claims that she is no dictator whereas people believe that she has reached the last stage of megalomania and is out to destroy all checks and balances of democracy in India

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The Politics and Economics of Corruption

Figures artificially inflated by the authorities to parade the progress India has made, and the increasing corruption that has gripped the country are the twin banes of politics facing us since Independence. The same problems form an essential feature of the many Asian countries called developing democracies. I would call them rather "dicto-democracies" where a state of Emergency has prevailed as a basic political culture completely eroding democratic values. We have therefore to study India's condition in that context only—where the rulers are greedy and the people helpless.

It is really intriguing that those very people who until August 14 1947, were yearning for the opportunity to lay down their lives for liberty, suddenly after that fateful midnight decided to ditch all their principles in search of wealth, and with dirty brooms in their hands started sweeping up whatever they could gather, from every nook and corner. How did they fill their coffers?

To cite only one example, one of Shahid Bhagat Singh's relatives who escaped the gallows he had prepared himself for, was seen soon after Partition, selling fake jobs for Rs 500 each,

to the unemployed, who begged or borrowed this amount to deposit with him as "security", but got back in return neither the job nor the security

Most of them would now say, "The hell with the motherland and the hell with freedom" The same story has since been repeated and repeated and repeated, endlessly If it is a Hindu Punjabi secretary of Mrs Gandhi's now, it was a Christian aide of her father's then, who believed in this ignoble philosophy If it is Bansi Lal's son now, it was once Kairon's son, and so on Rarely has one found a Central or a State Minister or a Chief Minister who is absolutely above board

They took care always to employ the best propaganda to scoff at "rumours" that India was economically, politically or morally degenerating in the least, although every one of them was guilty of squandering the exchequer's funds, spending less on the execution of the actual projects, and far more on the publicity regarding this execution

The sole purpose of the propaganda has been to perpetuate the existing hold Rightly or wrongly, falsely or genuinely, "our rule is the best," they tell their electorate and warn, "if you do not return us to power in the next poll, again, we will usurp power by any means foul or fair" This is in a nutshell, the precedent the recent Emergency has established

The proclamation of the Emergency has a definite background, the explanation of which is found in the history of the country's economy and corruption

Right from the Head of State in some cases, down to the lowest peon in the office, or, again, from the richest man in the country to the poorest, all exhibit, what I have stated to be, a degeneration in our morality

Before proceeding with narrations to prove the point, a word of warning to readers against the impression that there is *no* one above board Perhaps the overwhelming majority of the population is honest, but the few who matter have caused an undesirable impact of the country's economy and its politics to be imprinted on the minds of those foreigners or Indians who have had a chance to probe into these affairs

Ours being a developing economy, it is perhaps more dangerous for us to be dubbed a nation of corrupt people. When our economy grows, there may be improvement in the

politics and the morale of the people, but the point is, will this vicious circle allow us to grow at all? The story of the past 30 years, compared to the previous 30 years under the British rule or the still earlier periods, brings us to the unfortunate conclusion that India has not progressed at all. We shall deal with these issues one by one.

The Heads of State of India from Dr Rajendra Prasad to Fakhruddin Ali Ahmed, have all, towards the fag end of their tenures, displayed disappointment over the working of various government departments and expressed views at cross purposes with those of the Prime Minister. They have always done this only when they were sure in their minds that the Party in which the Prime Minister always has an effective say, was not going to select them for another term as President of India.

Addressing the Law Institute in 1961 Dr Rajendra Prasad who had faithfully served the ends of his Party and visibly worked in consonance with the then Prime Minister's wishes, suddenly dropped a bombshell, when he asked that the office of Prime Minister and the office of President should be properly defined, thereby exhibiting a divergence of opinion with Jawaharlal Nehru and with the very Constitution which was formulated by a Constituent Assembly of which he had been a respected member and of which he was the exalted Chairman.

Dr S Radhakrishnan just before relinquishing office, spoke of the relations between India and China and the prevailing corruption in the country in a tone unpalatable to the Prime Minister and the Party.

VV Giri in 1973-74 likewise also laid stress on problems afflicting the country, implicitly suggesting that Mrs Gandhi, who had supported his candidature, or her Party, had done nothing to ameliorate the lot of the people and perhaps implying further that he, if he were in power, would have done much more for the country. I ask, what were he and his predecessors doing during their tenures? They could have easily resigned while in office in protest against what they thought was unjust or improper.

Giri recently, once more setting his eyes on the office of President, when Sanjeeva Reddy was nominated unopposed, tried to publicise his philosophy to convince the people that he was both fit enough and wise enough to be again proposed as a

candidate. This however never happened.

I do not try to denigrate Mr Giri's feelings but I have a story to tell about his visit to Bangkok, which I covered for the Press.

It was March 1972. Giri was on a State visit to Thailand. Shankar Giri, VV's son and then an MP, like a suckling child, walking perhaps but only with the support of his parents' fingers, accompanied his mother and his father everywhere as a State guest. The King and the Queen of Thailand personally saw to it that all the comforts of life to which Giri and his family were accustomed were provided them: the Queen herself, out of affection, looked after the preparation of the vegetarian Indian dishes which the Thais themselves do not enjoy. All were shocked at the limitless greed which Giri and his family and indeed the entire entourage displayed, and at their unbecoming demands for not merely necessities but even presents.

I happened to approach the President's secretaries then, on behalf of the Namdharis settled in Bangkok, to request that the President's speech at a certain function made mention of the services of Satguru Ram Singh rendered in the cause of India's freedom struggle. The request was innocent, but it was rejected, on the very logical plea, I admitted, that a copy of the Indian President's speech had already been submitted to His Majesty the King of Thailand and that it would not be proper at this stage to add to it, and I came back with downcast face having failed to convince the authorities. The President of the Namdhari sect then himself approached Giri and his secretaries with dignified confidence and soon returned to tell me that the President *would* include, orally, the sentences he had dictated to him, in his speech. "What convinced him?" I asked. One of the Namdhari delegates to the President's place, then bragged that money could buy anything, and quoted the adage that "Everyone has his price." Perhaps they needed foreign exchange or something else—I do not know—but a few thousand *bahts* to each one of the men who mattered among the President's assistants including the President himself had done wonders. Witnessing this was Dr Nagendra Singh, famous jurist, and others. All were happy that Giri did include a few sentences eulogizing the Namdharis and their *guru*. The sentences were

of course a departure from the text and Giri had spoken them extempore. Where now was the logic which I had supported? I was a fool to have gone like a beggar to beg for justice without payment.

Giri's predecessor, Dr Zakir Hussain, was made out to be a great intellectual. Perhaps he was, but on meeting him what really impressed me, was his genuine sincerity and humility. The only work he had produced in his lifetime was *Abu ki Bakri*, or *The Goat of Abu* and nothing else—this did not seem to me to be the work of an intellectual. Dr Zakir Hussain had formulated the 'basic education' plan which the government implemented, but abortively, after spending crores of rupees that ultimately went down the drain. An agriculture-oriented educational plan prepared by the British was applied in district board schools before Independence where it worked with tremendous success—the innovations of Gandhiji and Zakir Hussain simply created confusion, and the scheme had to be almost wholly abandoned.

The only political benefit that Zakir Hussain took for himself was getting the Jamia Millia recognized. In what way is it better than the Aligarh Muslim University, otherwise? I do not know. The only argument, that once Dr M. Mujeeb, its Vice-Chancellor, gave me, to inspire the people's preference for this institution over the Aligarh one or any other was that it spread nationalistic ideas among Muslims. The spirit of nationalism that was reared at Rashtrapati Bhavan during the tenures of Zakir Hussain and Fakhruddin Ali Ahmed are too well known to be sung again and again. They had most of their relatives settled in Pakistan, and it is well that they taught those residents of a hostile country to be anti-nationalist at least, and love India more than their motherland! Zakir Hussain did not have the courage, as Chairman of the Rajya Sabha, to allow a discussion on the Serajuddin scandal in which a few Union Ministers were purported to have been on the payroll of the Serajuddin firms.

Ahmed, too, did not have the courage, during his tenure, to do anything which would annoy Mrs. Gandhi. He showed resistance only once and that was at the cost of his life—his last act.

This is our system, in which even a person of Rajendra Prasad's stature had to beg for personal benefits 'for a retired

President," and the relevant Act had to be changed

Sanjeeva Reddy's bad health was an open secret even when he was given the Presidential appointment. He pleased the people by announcing a cut in his salary and his intention to shift to a smaller house, leaving the vacated residential rooms of Rashtrapati Bhavan to no better use. At the back of his mind, however, even then, was his impending hospitalization abroad and the excessive burden that the law puts on the exchequer in seeking to offer appropriate compensation to the pocket of the President, who in turn through these announcements of austerity sought to appease the sentiments of the people.

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Jawaharlal was supposed never to have indulged in nefarious monetary deals for himself but he did shield his henchmen like Krishna Menon and Pratap Singh Kairon, and others. Menon who was involved in the notorious jeep scandal episode had long ago in the 1930s burdened Nehru with great obligation to him when he had introduced Nehru's first book to a British publishing house. Nehru's debt of gratitude to Menon could not have been paid off in a better manner than in Menon's appointment as Chief of Missions abroad and then as Minister of Cabinet rank, in queue for Prime Ministership, which ultimately however, did not work out. Two score years ago, Indians as authors were rather unpopular with foreigners but Menon saw to it that Nehru got break after break entitling him to much royalty, the very tax of which was as high as Nehru's salary annually. These royalties have still not ceased and continue to pour in for Mrs Indira Gandhi whose progeny will also continue to earn them for a long time to come. Nehru, therefore, supported Menon. If Mrs Gandhi ignored him she was only exhibiting that trait of her character that we have seen a parallel in in Tughlaq's

India's first Prime Minister tried to protect Kairon, too, when he was discovered by the Dass Commission to have played a part in a number of shady deals. Kairon's sons, were reported to have been offering to Mrs Gandhi fabulous purses on *Raksha Bandhan*, like true Punjabis, almost every year during Kairon's regime, for they treated the Prime Minister's child as their own

sister. Mrs Gandhi rightly claiming to be the granddaughter of a Punjabi woman (Moti Lal Nehru's wife) and the mother-in-law of a Punjabi girl (Sanjay's wife) very much believes in the ritual of a sister accepting *Rakhi* offerings from all her brothers!

Wasn't it Nehru who on his return from England in the 1920s started pressing the then Congress Working Committee for a fixed monthly salary for himself? This was for the first time in India that politics was conceived to be a profession and not a social service as was the practice in those days

Wasn't it Nehru again, who started accepting for the Party huge amounts from capitalists whom he was supposed to hate as an institution which stood in the way of India's progress?

I remember in the 1950s, the Congress had almost decided to offer the candidature of the Amritsar rural parliamentary constituency to one Colonel Gill. Suddenly in came Surjit Singh Majithia, son of a famous Unionist leader who was all along opposed to the Congress but who was rich enough to offer seven lakhs of rupees to the party funds. He thus purchased Party tickets for himself as a parliamentary candidate and for five MLAs too to everyone's stunned amazement. He became the precursor of a permanent custom with the Congress and, followed by it, with other parties, to accept money from whatever source and in whatever manner it was made available to them, in return for tickets. Nehru thus unconsciously introduced the politics of corruption in India, like Gandhi, who had in his time, pampered separatism and inspired communalism by supporting the Babbar Akali movement, the Khilafat movement and the movement for a separate electorate for the Harijans, etc, etc

It is again an interesting fact of history that while Mohammed Ali Jinnah, "India's Enemy No 1" willed all his property in India to a Bombay school and to a hospital, Jawaharlal's will determined the succession of his movable and immovable property only to Mrs Indira Gandhi. It might have been at her insistence that this will was drafted, in the difficult days when relations between Mrs Gandhi and her husband were strained. But her relations remained strained with Nehru's sister also on this account. The background of the Hindu Succession Act too is alleged to be at Mrs Gandhi's insistence on Nehru's having the bill piloted and passed by Parliament, which was done under his sole influence, thereby recognizing the right of a woman to

inherit property from both her husband and her parents. For it seemed to her that these properties appeared to be slipping out of her hands. But in an agricultural economy like India's, this, as was expected, has resulted in unending disputes among families all over the country.

Lal Bahadur Shastri who, soon after he took over as Prime Minister, refused to attend the Commonwealth Prime Minister's Conference on a fake political illness, was made out to be a great statesman. Actually it was an inferiority complex, from which he suffered miserably, that had caused his staying away from it.

He preferred to shift to 10 Janpath instead of to Teenmurti House, again due to the same complex, because he drew a parallel between his 10 Janpath house and the famous 10 Downing Street residence of the Prime Ministers of our former masters.

Shastri's resignation from Nehru's Cabinet after the Hyderabad railway accident was also not because of the accident as is propagated but by the exigencies of the Party organization. The Congress, as it was meant to do, gained from this hypocritical step of Shastri's which he really took to organize elections according to a plan which had been made out even before the accident.

Whenever during Shastri's time, I visited the PM's house I always found something new to watch and to brood over. Here was the simple *kisan*-loving PM who had 37 air-conditioners installed in his house in comparison with the 22 in the undoubtedly more sophisticated and westernized Nehru's Teen Murti house, accommodation which was perhaps ten times larger than Shastri's!

A special cricket pitch was also laid out at 10 Janpath at unimaginable government expense, for the benefit of his son and his son's friends—what better use for their leisure than sport and culture?

Shastri bragged rather, about having waged a war against Pakistan and compared it to Lord Krishna's 18-day war against injustice, during his talk to a restricted gathering at the PM's house on one occasion when soon after the end of the hostilities someone from Hardwar had come to have a translation of the *Gita* released by Shastri, to whom he also offered the first copy.

At his house too, I always noticed a certain shady character making conversation with all visitors. They say this man collected

money for various purposes on behalf of Shastri. It was he who wangled a large plot of land for establishing a university at the Mall Road crossing in old Delhi—which was presented to him by the government under Shastri. Shastri once introduced him to the King of Nepal in my presence. Soon after Shastri's death, this man was found out, and fell from grace. The allotment of the land was cancelled and he was shadowed by the police for prosecution in a few cases of alleged cheating.

Gulzari Lal Nanda who acted as temporary Prime Minister for some time, was himself also never directly in the picture when his Bharat Sewak Samaj, with which he was closely associated, was in the red. His sychophants were some of the most important *sadhus* of the country, many of whom were suspected to be cheats. Baba Bandhok Wala, was one of them who was arrested for his indulgence in a few criminal cases. Swami Sivachatnyananda was another, who allegedly abducted two minor Sindhi girls.

Mrs Indira Gandhi has been discussed threadbare by numerous sources. One interesting fact which has so far not been revealed by anyone relates to a book purported to have been written by her. Soon after the Publications Division brought out an official volume of her speeches, she got the very same speeches reprinted through a private publisher, pricing it heavily and thrusting it on various government and private libraries in the country, while still Prime Minister. The royalties become part of her personal income only after a little tiff among the officials of various departments, the objection being that the speeches were delivered by her as Prime Minister and no Prime Minister previously had usurped the rights of the Publications Division in this manner. The main plea in the note submitted hovered round the fact that the speeches were written by government officials in the Information department and that, therefore, these could not become her personal property. The officials at the other end however insisted on her behalf, in their note returned to the Publications Division, that the speeches were written by Mrs Gandhi herself in her spare time! Nobody was taken in by this joke, but all acquiesced and allowed the reprint royalties go to Mrs Gandhi's private coffer.

I do not know if technically she was right or wrong being so greedy but that it was unethical, I am certain. As is known now, the mother through the son collected crores of rupees in the

guise of party funds, which were pocketed by them. Those who were put on the job to collect such funds also took advantage of the situation and shared the booty—perhaps this is why they became such sychophants of Mrs Indira Gandhi and Sanjay Gandhi. The pretext for fund collections were various—it could be some difficulty that the payer was forced into, it could be an unrealizable family planning target, it could be un-price-tagged goods in shops, it could be unavoidable demolitions, it could be unpayable subscriptions to the youths of the Congress; it could also be inescapable escape from arrest, it could even be the refusal to supply free food by a hotel owner to young men of a particular organization, sophisticated dacoits that most of them were.

The nationalization of banks which was supposed to have been resorted to for the sake of the weaker sections of society turned out to be what I can only compare to the raids or looting of Mahmud of Ghazni. He had in his lifetime committed the greatest dacoity of all times in looting the wealth of the Som Nath Temple in Gujarat—these “Ghaznis” committed such dacoities day in and day out against numerous such places described by Jawaharlal Nehru as “the temples of India’s progress”. Project after project was declared, only to fill the coffers of the mother and the son.

If a sum of 75 rupees was sanctioned as a loan to a *rickshawala* to make him the credulous votary of Mrs Indira Gandhi and Sanjay, 75 lakhs of rupees from the same bank, was, on the same day, given as a loan to friends whose antecedents and capacity to pay back the loans have become unanswerable questions now. For reasons of this sort, banks which always showed profits during the last half a century have now produced tardy balance sheets. This kind of tragedy has invalidated the much-publicized good in the spirit of nationalization in the case of at least six banking companies out of the 14 which were nationalized and later sucked in by the cow and calf. Was this step taken for Indira’s and Sanjay’s personal benefit? A probe is needed.

Touching upon Sanjay’s exploits is rather like pricking a rotten, malignant wound, too vast and too deep for the surgeon’s knife and needle. Some of the allegations against Sanjay distinctly show a deep-rooted conspiracy between the mother and the son, and have already been discussed threadbare by various writers

and journalists, quite a few cases are *sub judice*, and others are likely to become the subject of court proceedings—I therefore prefer to keep silent on them

One or two interesting situations are, however, still worth the record. The day previous to the one this youth leader was for the first time reported so elaborately in newspapers, was a hectic one for journalists, Indira's lackeys and the entire government media officers. This was the day when copies of Sanjay's picture made up with "lakhs of audience" (as the half educated liaison officers of Sanjay would tell us) listening to him "patiently" at Calcutta, were brought by special plane to Delhi for distribution to all newspapers. Wine flowed freely in celebration or perhaps as a reward for those who readily agreed to publish the picture along with a nice report, and threats were the lot of those who thought it unjournalistic to give so much space to this upstart. Even the editors of *The Patriot* a pro Emergency daily of Delhi and *The National Herald*, Indira's own paper, put their foot down against the use of the picture whose veracity they suspected, showing how much this story was worth, but which none else except these two decided to throw into the waste paper basket. This day and this story were the precursor of the following days and months which became Sanjay's own. Journalists cropped up from nowhere to pamper and flatter this youngster, some not hesitating even to liken him to Mahatma Gandhi, who without being a member of the Congress, used to rule over the destiny of the Party and the country. An ardent *chamchia* succeeded in the Metropolitan Council of Delhi in convincing his Congress colleagues to recognize Sanjay officially as Mahatma Gandhi had been. The Delhi Administration, he complained, had not so far followed the example of other States which had already extended to Sanjay "dignified" and grand receptions. Eulogized in this fashion, this young man became, as people said, 'Prime Minister without portfolio' for the Central Government, 'Governor at large' for the States and "Minister of Demolitions" for Delhi and other places.

The day he went to set fire to the fortunes of the Jan Sanghis of Karol Bagh in Delhi he was manhandled by the mob, and the police burst tear gas shells, and ordered a *lathi* charge. That was one day when the Loknayak spirit existed in the minds of the unformed men who politely refused to fire when ordered to

Sanjay would have been lynched to death by the mob, had he not been whisked into a Bata Shoe Company shop and its shutters pulled down, before the disobedient semi military force could be dismissed from their positions. The impression was created for the mob that Sanjay had left, that all was safe, but Sanjay was still in the shop as the mob was smoked out. People dispersed, locking up their business premises which were later brutally broken in on by the police when they returned with added numbers to take revenge. Sanjay went home safely, but during his stay in the shop amidst the array of shoes, he was already planning to approach the Bata bosses for a "donation" or else the threat that he would have the prices of their products reduced compulsorily. The company refused point blank to obey when they were so approached, saying that it did not mind even closing down its business in India, which threat had been plainly implied. However, a Cabinet Minister whom Bata's had already won over and who had influence over Sanjay, intervened to save the situation.

Like this five lakhs of rupees was collected by Sanjay and his friends from the wholesale cloth merchants of a Katra in Chandni Chowk, and fourteen lakhs was collected from Chawri Bazar dealers with threats of otherwise demolishing their shops.

Sanjay's contacts with Jagmohan, Vice-Chairman of the Delhi Development Authority (DDA), had not developed only during his tenure as "Minister for Demolitions" in the Emergency period, but much earlier. Arjun Dass, a mechanic, who ruled Delhi from the Prime Minister's house, and had been made a (formidable) member of the Metropolitan Council because of Sanjay, was the real man who brought Jagmohan close to the Prime Minister's son. The occasion was the mass-scale suspension of some trade union workers of the Delhi Development Authority who approached Arjun Dass for a compromise. Jagmohan considered it a privilege to be a friend of Arjun Dass, and therefore there was no difficulty in a deal being made, the terms being that Jagmohan would be assured of the renewal of his annual contract as Vice Chairman of the DDA and that he would not be bothered by the CBI, etc., which was investigating reports pending against him. In return he would not only reinstate the suspended employees after some face-saving nominal punishment, but would also prepare and launch certain schemes for the benefit of

Arjun Dass and Sanjay One of such schemes was the construction of prefabricated houses like those of the Hindustan Housing Factory (which had slashed its work) by Maruti, with the DDA becoming a big consumer of these houses. Housing projects in other states where there were "amenable governments" would also be serviced by the proposed Maruti housing scheme. Alas those were not the days of the Emergency and the then Housing Minister would not readily agree to the proposal. Mrs Gandhi had earlier met with failure in regard to the Maruti car for which a letter of intent could not be gathered even after the reshuffling of the Cabinet and the allotting of the Industries portfolio to a close friend. The Emergency, of course, was a good thing—all projects which this "poor" young man had in mind for the weaker sections of society could be taken up. Sanjay selected HKL Bhagat for induction into the Housing Ministry, in full charge of the DDA, but as an afterthought abandoned the project himself, for now he had better things to do, which would fetch him more money without undertaking any strenuous production jobs. The DDA's demolition threats, coupled with the family planning programme and the price tag system were paying enough for Sanjay's men. Shopkeepers were on their knees. Big manufacturers were also vanquished when an order was issued to them to mark their products ex factory in impracticable fashion. Corruption increased, and the rate of bribery went up proportionately, for the inspectors too now had the plausible argument to advance that they would be able to relax rules only at the risk of their jobs. There was no risk (for they shared their earnings with their bosses and the police), but the ruse worked well, further augmenting their earnings. The shopkeepers who used to each pay Rs 10 monthly to the weights and measures, sanitary, and shop inspectors, now had to pay Rs 20 each. Sales tax inspectors enhanced their "wages" by fifty per cent. Youth Congress men and respectable Congress leaders, would all one by one come, particularly to ration shops, big business houses, private school managements and even to private nursing homes, on one pretext or another and collect their "fees". DDA officials who had had lean days when construction work had slackened made fortunes, allotting plots to the "weaker sections" of society whose hearths and homes were destroyed during the Indira Raj and who were to be resettled in various

33 colonies or resettlement colonies State Bank officials had a field day for they found it convenient to pile up wealth from these poor people who as a pre-election strategy had to be given loans as a "must" for construction work. Ten per cent of these loans were taken as bribes and distributed among State Bank staff themselves Other nationalized bank officials also gave loans for industries but against hush money amounting to at least five to ten per cent of the actual loan

A Chandigarh report reveals that three top people managed to get loans for 60, 40 and 27 rickshaws respectively, thus belying the purpose for which schemes for the poor are made These people in connivance with the authorities flourished at the cost of the common man

Underhand trade flourished Propaganda was afoot that black money, the creation of the businessman, had corrupted the economy and politics, and the businessmen blamed the inspectors and politicians for their pressing demands on them This state of affairs was, however, not a new phenomenon It had only shown, or some would claim, had hidden, its ugly face during the Emergency, but otherwise the tragedy was age old

Coming back to Sanjay, he had since his childhood, trained by friends who pampered him, become what he was now He, therefore, did not abandon Jagmohan, for reasons impracticable to be published I know Jagmohan to be otherwise an honest man, and he was dragged into ugly situations because of his desire to rise, under the wing of people like Sanjay In any case the illogical Prime Minister's orders would have spoilt any official who depended on flattery to please Jealous of Jagmohan, his enemies produced a woman who claimed to be his wife and instituted a case against him in a court of law A small Delhi newspaper published the story and Jagmohan filed a suit of defamation against the editor of the paper and others I dissuaded Jagmohan from this act and urged him to go in for a compromise and his better sense prevailed, for a defamation suit would surely have tarnished his image and ruined his prospects Jagmohan was completely, as a wise official, subservient to his Minister, HKL Bhagat, who earlier, as General Secretary and then President of the Delhi Pradesh Congress Committee had proved a complete failure The Committee owed money to various firms and much procrastination and delay accompanied

payments. When a transporter once approached him for his dues, Bhagat jocularly asked him to go and pray for his selection as a Minister of the Cabinet, for then he would be able to pay him not only his 12,000 rupees but ten times more! Remember this was more than a year before the Emergency! There was nothing wrong in the joke, but to me it seemed he had set his eyes on that coveted office with the sole object of accumulating wealth. And if someone tells me today that Bhagat is an honest man, I would take it with a pinch of salt

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I have selected these high dignitaries for a probe merely to show that the country has been degenerating not without reason, but because of the kind of leadership we have. It was only in the good old days when probably a large percentage of the leaders was respectable and the few black sheep did not matter overmuch. Our subject is the story of corruption since Independence and the ensuing worsening of the economy. Soon after August 15 1947, one of the country's greatest leaders Asaf Ali and another Parliamentarian of the pre Partition days, Dewan Chaman Lal, were recalled from their posts as ambassadors of India. The former was suspected to have bestowed favours on Pakistan, the latter was involved in a shady barley deal in Europe. A Minister of Home Affairs, was discovered after his death to have left an almshouse full of unaccountable currency notes which only came to light following a quarrel between his son and daughter over the distribution of the wealth. Nehru discounted these "rumours" and thus shielded his old colleague. Khurshid Lal was a pious soul. He died, obviously a pauper, even though he had been a Minister in Nehru's Cabinet, and his widow had to live on the charity of relatives for a long while. One such relative told a friend of mine that a few months after Lal's death the widow received a message one day from Nehru to meet him. Nehru revealed to her to her utter amazement that a foreign bank had sent to him a draft of a certain sum which Khurshid Lal had illegally held in the bank. Nehru gloated over the illegality. Former Minister YB Chavan, on a visit to an African country, was suspected to have made purchases which were objected to by the customs authorities and India was put to disrepute when he was

asked to prepare for a search. It was only intervention from our mission there that saved the situation.

Minister after Minister can be selected for our study. Which is the Chief Minister who has not been allegedly involved in some deal or the other? Certainly not only the Bakshi Ghulam Mohammeds or others who have been reported in the Press. Which is the Minister or MP or MLA who has won his election without donations from doubtful sources? Who among them has not repaid the debt in the shape of some favour or the other once he was in power? Do not challenge me when an MLA or an MP refuses to recognize a man who had worked for him in his selection or had paid a small amount for which the MLA or the MP now cares not a whit. Certainly he will never refuse to recognize a tycoon who could help him in the future too, help him by way of "presents" during the marriage of his daughter, for the construction of his house, in buying a car for him or for any other such purpose. I have information even today that not less than 80 MPs are on the payroll of the Birlas and other capitalists. During the Emergency I happened to attend two important marriages: one in the house of SD Sharma and the other in that of Yash Pal Kapoor. The great rush and practically queues of governors and ministers, presents in hand, showed exactly how austere the Ministers were during the Emergency and how the evils of dowry had been effaced under the 20 point programme of Mrs Gandhi or the four or five point programme of Sanjay Gandhi. My foot!

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Corruption in India is age old. The *Vedas* and the scriptures make mention of this. The houses of God, in Sikh gurudwaras, Muslim shrines and Hindu temples are citadels of corruption where the games of sex and wealth are played as in hell. I recommend to the reader the Ganapathi Pillai and the Ayyar Commission Reports for a look into the working of temples and mutts and their trusts. The Gurudwara Prabandhak Committee elections witness many battles and skirmishes among the candidates and their followers, for the control of wealth worth crores which also means control over Sikh politics.

One of the reasons why we Indians have grown so greedy, why we evade taxes, is supposed to be the anti-British movement

by the Congress which encouraged people to "non-cooperate" with the government of the day. Evasion of taxes of all kinds, travelling without tickets, the non payment of fees and land revenue when due have made us immoral despite the fact that it once made us bold enough to defy alien authority. The question arises as to how in America where a very bold movement of "no taxation without representation" was launched for liberation, the situation had not taken an ugly turn. The reason plainly is that the Americans have progressed economically because of their tremendous rate of production due to their vast and rich resources. They have progressed without so called socialism and without controlling distribution. They have rightly understood that the economics of production is far more important than the mere economics of distribution which the developing countries have per force to undertake as a measure of progress, thus failing miserably in their overall mission. The dearth of educational institutions, of hospitals, and of other such facilities, make the queues of people intending to buy these services longer and longer. This is how they distribute paucity. Then the government complains that the undeserving come and stand in queues unnecessarily. Are the children seeking admission to the schools undeserving? Are the patients trying to get beds in the hospitals undeserving? Or is it only the government trying to hide the fact that they have failed to provide the essential services to their people? The little child is not unfit for education as the fool of a psychiatrist employed for the purpose has told its parents. It is that government which is unfit to rule. The publicists and propagandists have wrongly convinced us that they are right—how clever of the rulers! The Emergency is therefore most suitable for those who want to perpetuate their hold making fools of the people. Expansion of territory, attacks on neighbouring countries are all made with a view to perpetuating the same hold for otherwise modern man has progressed and despite victory in war, overrun territories have to be ultimately returned to the vanquished. It is merely a futile game of politics and international diplomacy in which the individual is made the scapegoat. His desire for liberty, the rulers think, is of less value than the rulers' desire to rule.

We have digressed from the subject to discuss corruption, how economics and politics have been corrupted by the rulers

themselves who now plead for a reign of terror and Emergency.

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Who does not know that the office of Prime Minister was used by Sanjay as a ladder to climb corruptible heights. He entered into contracts with various multinational cartels according to Chagiani as reported by *The Times of India*. Sanjay himself wanted to turn Maruti into such a multinational cartel and he allegedly entered into deals with many countries where his mother had influence. Some nearby countries had deals with Sanjay. Maruti had almost a monopoly (or had entered into a kind of "no war" economic pact) of the supply of bus bodies to State governments. Rajasthan offered Rs 45,000 per body to Maruti against a maximum of Rs 42,700 to other private firms. Madhya Pradesh offered Rs 39,000 and Rs 41,700 per body for two separate orders of 100 and 70 bus bodies as against Rs 31,451 offered by the MP Government to other firms. Maruti thus supplied the maximum it could 409 bodies to UP, 307 bodies to Haryana, 180 to Madhya Pradesh, 152 to Rajasthan and 56 to Delhi. Delhi's woefully bad transport service has been caused by Maruti's monopoly here. The DTC Chairman Srivastav, reserved almost a crore of rupees for payment to Sanjay for the supply of bodies at these inflated prices. But Maruti could not and did not fulfil its orders and no other firm either was approached to help reduce the bus shortage. The result is the present chaos. Does the reader imagine that all these orders were obtained by Maruti on merit? It was corruption pure and simple. In all State governments in India, there are certain departments which are notorious for corruption. Registrars of cooperative societies, helping disbursement or recovery of loans to and from cooperative societies, excise and sales tax departments, motor vehicle authorities, all are known for the weakness they openly display. Courts of justice are replete with stinking injustice where money makes the mare go. "Plundering Without Danger" is the sarcastic name given to the Public Works Department (PWD), whose duty it is to accommodate contractors, paying at least eight to ten per cent of their gross contract amount as bribes which are distributed among engineers, general clerks and the accounts departments. Delhi Corporation is known as "Delhi Corruption" by those who have

to pay for the installation of water meters, fresh electricity connections, house completion certificates and house building plans. The octroi department is full of rackets. Sanitary inspectors contribute more to adulteration and spreading diseases than to checking them through public health schemes.

During the eleven years of Mrs Gandhi's rule at least one fourth of the total eatables that an Indian consumed were adulterated, according to a survey conducted by the Indian Technological Research Centre of Lucknow, UP.

Of the 409,200 food samples analyzed during this period, 103,044 were discovered to be adulterated. The food items thus analyzed included milk, all kinds of milk products, ice-cream, non milk sweets, *besan*, *maida*, *suji*, cereal sweets, *ghee*, butter, *vanaspati*, edible oils, and many other items like alcoholic and non alcoholic beverages, fruit juices, tea, spices and condiments. The adulteration of milk was achieved with water and neutralizers such as calcium hydroxide which according to scientists cause gastro-intestinal disorders. About 16 per cent of milk products, 40 per cent of non milk products, 13 per cent of cereals contained non permissible colours some of which are highly toxic.

Four per cent of *vanaspati* was found adulterated with fats but adulteration in *ghee* and butter was four times higher. According to the survey 15 per cent of edible oils were contaminated, one of the common adulterants being argemone known as *bahndananda* in many local dialects which resembles mustard and causes erythema, dropsy, hepatitis and oedema.

Miscellaneous food items were also found to have been adulterated to the tune of 19 per cent with non permitted colours, foreign starches, common salt and earthy matter. Black pepper was adulterated with papaya seeds and saffron with coloured starch threads. Tea samples contained tea waste and rice husk. Coffee samples were contaminated with roasted powdered wheat, gram, date seeds and chicory. Honey had sugar cane solutions. Soft drinks and ice candy samples contained artificial sweeteners and non permitted colours.

And 44,000 persons in West Bengal and 120,000 persons in Bihar and Madhya Pradesh were afflicted with paralysis due to *lesari dal* and adulterants mixed with various kinds of cereals.

No doubt there is hoarding and black marketing due to which shortages and difficulties occur. But the hoarding and

black marketing are almost always blamed out of context. It is just like a thief having committed a crime, joining a crowd and pointing to another person as the culprit and thus misleading the people. The thief thereby not only saves himself but also gets mixed up with the crowd of respectable people. These elected representatives commit crimes of the highest order and have been committing them since the dawn of independence. There is a great hue and cry against corruption from these very criminals, bureaucrats and others who depend on bribes to live. They produce facts and figures to prove that the Birlas, Dalmias, Tatas and Mafatlals have hoarded the goods now not available in the market. This I stress, is partly but certainly not wholly true. The fact is that there is a shortage of production and even if the entire hoarded material is taken out it will not be enough for even one day's consumption for the hungry masses. If we admit the complete shortage of goods is due to these capitalists only and that the government is not to blame, what about the water and electricity shortages? Have they been hoarded? What is the answer to the delayed running of trains? What about the other kinds of mismanagement? The economists who act as ready computers for government statistics which are only partly correct come out with all sorts of strange arguments to prove their point. The fault lies solely with those people who after raising such bogeys want to have tighter controls for their personal benefit. They snatch away the people's liberty by creating rumours of tensions on the border and actually they indulge in wars and expansion of territory to perpetuate their hold and expand their own power, creating a scare in the minds of the people. Perhaps things would not go that wrong even if they were not there to rule us.

During the Emergency as earlier spurious medicines were allowed to be sold against illegal payments from chemists. Hospital and dispensary beneficiaries were denied full benefits not because of shortage in most cases but because of deliberately induced shortages by the store purchase departments. Milk token holders are considered legal drawers of milk from government milk booths. Others who do not have tokens will not expect to get them for years and are treated as second class citizens. This implies that the person who has someone to speak for him to the authorities is likely to get a token.

For seats in schools, in hospitals, in trains and aeroplanes it is always better to approach someone to speak for you, for otherwise you are likely to be disappointed. Instead of enumerating all these spots of corruption, it might be better to cut it short and say that all public dealing counters offer woeful conditions. Big business has legalized corruption and made it a scientific business. A cartel running the tea business offers a special blend exclusively for Members of Parliament, another one specially for the President and so on and so forth. They buy our rulers.

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The politics of corruption has resulted in the degenerating of the economy of the country. The state of affairs is at least as old as the independence of the country and perhaps even older. Before we go over to study the economy, it might be interesting to have a peep into the land grab racket of the type we have in Punjab and other places in which the Chief Ministers' relatives and other big guys including the Congress bosses are involved. This racket relates to plots of land in the prestigious Friends Colony in South Delhi. Two hundred and ninety-two members came in for writ petitions in the Supreme Court challenging the allotments. Those who left for fear of being found out before the decision and those whose plots were considered illegally allotted because of their influence on the authorities, included those connected with the then President of India VV Giri, Vice-President of India Pathak the son and father of Inder Gujral, then Information Minister, and a number of elected VIPs, chiefs of missions and top officials.

The Congress Party grabbed a valuable building with sprawling lawns and servants quarters on the prestigious Raisina Road in late 1976 at a throwaway price. The Ministry of Works and Housing was made to part with 3 Raisina Road, for the paltry sum of Rs 7.03 lakhs. This has a ground area of as much as 4,736 square metres, and there is a large building too. The commercial price of this land was Rs 1,500 per square metre while the Congress Party paid only Rs 125 per square metre. The building was not assessed at the commercial rate. Instead its value was worked out on a depreciated basis, which reduced it to just Rs 96,212. Thus a property which would have fetched Rs 70 to 80 lakhs

if sold as the DDA practice is to a private party, was given to the Congress Party for barely Rs 7 lakhs

The Party also tried to grab four adjacent plots at a throwaway price. Three of these were earmarked for the Press Club of India, the Press Association of India, and United News of India. The Club president, a retired journalist and a top functionary of Samachar, was summoned by Works and Housing Ministry officials and made to write a letter surrendering the Club land, which had already been paid for. Club members and the executive were not consulted. The Club was, however, promised another plot. This was the Emergency!

While the government happily evicted officials on the grounds that they owned houses in Delhi, it was lavish in allotting ministerial bungalows to the Congress Party. Besides 5 Rajendra Prasad Road, which was made the Party office, it occupied 10 Jan Path (former residence of Mr Lal Bahadur Shastri), 9 and 11 Fire Brigade Lane and 5 Raisina Road. Also, another 16 houses of Types I, II, III and IV were also given to the Party. 10 Jan Path was allotted to a Congress MP, who then bequeathed it to the Youth Congress. The market rent for this house would have been Rs 8,000 a month.

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Let us add a few more facts of economic corruption

The Union Government released a list of 180 companies which paid Rs 1 lakh or more each during the years 1975-76 and 1976-77 (up to March 31) for advertisements in souvenir issues and bulletins of different political parties.

The Law Minister Shanti Bhushan, had told a Press conference that of the 9,000 public and private companies closely associated with large industrial houses which had been asked by the Department of Company Affairs about their donations to political parties, 7,000 had replied by the end of July. Of them, only 882 had stated that they had given donations and advertisements to political parties—totalling Rs 8.04 crores.

Of these 882 companies, 180 had stated that they had paid more than Rs 1 lakh each, most of them complaining that they had paid under coercion. The political parties, particularly the one in power, are always in a position to extract money from such sources. In return the government of the Party allows all

kinds of concessions to big business. Black money also, is like this, allowed to accumulate with such people.

During the past thirty years, there was large scale income tax evasion on the part of industrialists and other rich businessmen amounting to ninetyone times more than that in 1947 when the estimated black money in circulation according to conservative official estimates was Rs 48 crores. This rose, during the quarter century to Rs 4,380 crores. Now the black money in circulation is estimated to be Rs 10,000 crores.*

The production of black money is encouraged by the corrupt system of elections producing corrupt Legislators and a similar quality of Ministers and bureaucracy, Ajit Bhattacharjee has written †

The biggest source of routine corruption among State Ministers and Legislators is influencing appointments, promotions, transfers and postings of all categories of officials against monetary consideration.

The securing of permits and licences of all descriptions is the second biggest source.

Take West Bengal. The wheat bran scandal, in which permits meant for educated unemployed were sold for lakhs, is another indication. The appointment of a few thousand primary school teachers and about 16,000 Class III and IV employees in government departments and the State Electricity Board are reported to be made from lists submitted by Congress Legislators. Qualifications and suitability are not the primary consideration.

In Assam, a candidate for the post of a lower primary school teacher was told by the officer concerned to obtain the recommendation of the local MLA. The MLA demanded and got Rs 500 and the man got the job. One third of the money is reported to have gone to the officer. Inquires revealed that the rate for such appointments ranged from Rs 500 to Rs 1500. This MLA has built a palatial house for himself.

In Maharashtra files concerning permits and licences usually go up to the Minister concerned for final approval. The applicant has to secure the recommendation of an MLA or an influential

* *The Hindustan Times* overseas edition of December 28 1972.

† *The Times of India*

politician Even for recommending a case for "favourable consideration", the payment is said to range from Rs 500 to Rs 1,500 One influential MLA is reported to charge between Rs 5,000 and Rs 6,000 for a foodgrains fair price shop licence in Poona The rate in Bombay is said to often exceed Rs 10,000

In Haryana, the responsibility for filling non-gazetted posts was taken away from the State Public Service Commission when its chairman, Darbari Lal, was said to have rejected ministerial advice It was entrusted to the Haryana Subordinate Services Selection Board which does not enjoy the same independence

In still-feudal Bihar, the term *pairavi* (approaching high-ups for special favours) has roots deep in history, but the years after independence have seen a steady expansion in the tribe of *pairavikars* as well as the money they make

Natural disasters are welcomed by the corrupt One scandal in Bihar concerns the money made on the purchase of diesel pumping sets, more suited to the junkyard, to fight the drought.

The geographic features of Jammu and Kashmir provide special avenues of corruption Transfer to remote border posts is generally dreaded, substantial amounts are paid to avoid them Development projects in mountainous areas are said to be particularly lucrative

Bamboo forests in Andhra Pradesh have been a major source of corruption because bamboo is used in paper mills, which are willing to pay substantial amounts to get their raw material at low prices

In Mysore, irrigation works have provided much scope for corruption and many engineers are willing to pay substantial sums for a favourable posting The Vigilance Commission had been ordered to inquire into the overnight disbursement of Rs 50 lakhs by the Executive Engineer of Hassan The money is alleged to have been paid to contractors for work that was not completed and, in some cases, not even begun A Minister of State and two Legislators were said to be involved

How was Mr Keshav Dev Malaviya appointed chairman of the Heavy Industries Corporation in 1968, five years after he was obliged to resign from the Union Cabinet following the disclosure that he had accepted Rs 10,000 from Serajuddin and Co whose application he had personally forwarded to the

Commerce and Industry Ministry for a Rs two crore import licence? And how could the Congress afford to nominate him to contest the Phulpur by-election to the Lok Sabha the following year (which he lost)?

An inquiry found that by the time Bakshi Ghulam Mohammed resigned office (as part of the Kamaraj Plan) he and his family had amassed wealth valued at more than rupees one and a half crores. Is this not black money?

As a measure of propaganda in favour of Mrs Gandhi's rule, the government declared that it had succeeded in unearthing hidden wealth to the tune of about Rs 1,300 crores. It was all right to make such declarations, which went unchallenged, during an Emergency, but the fact is that firstly, the declared black money was not all accumulated in the past—some had also been declared by imaginative businessmen to cover up future earnings in the black market now taxed concessionally. Secondly, more than half of this declared amount belonged to only three persons, suggesting that the impact of the Emergency order was restricted to only a few blackmarketeers. Thirdly, as is apparent, the amount declared is hardly ten to twelve per cent of the total hidden wealth.* It may also be noted that all this wealth was allowed to be concentrated in a few hands by the encouragement given by politicians in power, which mostly meant Congressmen. Economists may argue in whatsoever manner they like, that black money has only a restricted influence in the rise of prices and that too on among the highest stratum of society. The black money holder rarely bothers about the price of the goods and pays out, encouraging small traders to charge high prices from suspectedly rich people. As there are classes of rich and poor, there are also classes of rich and poor localities. A particular type of area of shopkeepers attracts only a particular type of clientele. Take the case of the Super Bazar, Connaught Place, in New Delhi, where goods are sold at highly subsidized prices and which is considered to be the cheapest market in New Delhi. This is a service only for the rich people of New Delhi. Those who reside in relatively poorer colonies cannot and do not go all the way to shop at the Super

* Estimates of black money have already been given in the preceding pages.

Bazar This example merely proves our point that firstly the subsidy of the so-called "cheap" market is meant for disbursement among the rich only, resulting in further disparity between the rich and the poor and greater and greater accumulation of black money. The village is not at all affected by the so-called hidden wealth so adversely as the city. The area of beneficiaries influenced by the hoax of declarations of the hidden wealth or the area of losers by the circulation of black money is, therefore, restrictedly small. The concept of black money also needs some re-consideration. It is that amount which is saved by a person by way of non payment of certain taxes. Supposing a person hides an amount of Rs 1,000 from the records, he saves say Rs 100 or so on it which he would have been required to pay as a tax for instance. The black money in this case is only Rs 100 and not Rs 1 000. The trouble arises when the whole of this amount has ultimately to be circulated without coming into the obvious mischief of any law. It is interesting to note that this type of black money also contributes to industrial production far more than the government statistics reveal. A remarkable situation arose during the Emergency when the greatest number of man hours were lost and production showed a steep fall in actuality. But the government statistics proved that the production had risen during the black period of restrictions. The fact is that the recorded production of goods rose because the people afraid of the authorities, put every item in black and white, while business deals transacted with black money were almost extinct during 1975-76. Of course the black money itself was not extinct. The rise in production was false.

The annual report of the Labour Ministry showed that 11.48 million man days were lost due to strikes and lock-outs in 1976. The lock outs accounted for 70 per cent of the total man days lost as against only 17 per cent during the year previous to that, half of which had passed without Emergency.

Out of the total loss, 76 lakh man days were lost in the public sector industries which also refutes the claim of Emergency gains. There was in fact deterioration all around.

More people travelled without tickets in the Northern Railway zone during the Emergency, than after it was lifted. In April-May 1976, the number of persons found travelling

without tickets was 40,545 as against 37,070 in April-May 1977. The penalties realized during 1976 were Rs 9.32 lakhs as against Rs 8.62 lakhs this year. Checking on ticketless travellers in trains this year has been increased as a result of which the Railways have earned Rs 2.53 crores more during this half year and a month than in the whole previous year.

Figures of educated unemployed persons registered at employment exchanges showed that they had doubled during five years from 1970 to 1975, when they stood at 8.7 million. Since 1975 during the Emergency, i.e. during a period of one and a half years, the figure went up further by one and a half times. In the rural sector, normally there had been a two per cent annual growth in employment generation between 1950-51 and 1965-66 as against 6 per cent in organized sectors in cities which fell to 2.3 per cent after 1965-66 and ultimately to 2 per cent in 1976-77. This is during the decade of achievement under Indira's rule.

Foreign exchange figures have likewise been bloated with a certain slant. The Finance Minister has reported to Parliament that the Indira government had misused about Rs 500 crores worth of foreign exchange by granting licences to private parties to import edible oils, enabling these parties to make huge profits without importing a single drop of oil. In fact the Reserve Bank of India registered an increase of Rs 743 crores of foreign exchange between March 25 1977, and September 2 1977. This increase has taken place despite the fact that in July 1977 the country had repaid Rs 285 crores to the International Monetary Fund ahead of time to reduce the interest liability.

The falsely claimed growth rate of 15.6 per cent in the first quarter of 1976-77 has been busted by a correspondent of *The Statesman*. He says that the first six months of 1976-77 had brought about a growth rate of 11.3 per cent which showed that the second quarter recorded only a 7 per cent growth against 15.6 per cent in the first quarter. The growth for the first nine months put at 10 per cent proved that the third quarter showed only a 7 per cent rate of growth. The growth rate naturally had to slow down because of the repercussions of the Emergency. The correspondent also raises the question as to why the increase

* *The Statesman* and *The Times of India*

in production by 10 per cent in 1976-77 could not check inflation which had risen directly by 12 per cent—the after effects of the faulty economic policies and false statistics

The Finance Minister, HM Patel, said in Parliament on March 30 1977, that the long-term growth of national income after 25 years of planning had not exceeded 3.5 per cent per annum. It was “eloquent testimony to the efficiency planning priorities and techniques following by Mrs Gandhi’s and her father’s government.” Patel said that even the Fifth Plan, prepared by Mrs Gandhi showed that in nearly 38 per cent of the districts in the country, the growth during the decade was either negative or less than one per cent per annum. The overall industrial growth rate in 1966-77, that is, during the eleven year rule of Mrs Gandhi, did not witness more than 4 per cent economic growth, and the period also witnessed numerous industries going sick.

In the face of deteriorating conditions in industrial houses, the government took ironical, illogical and thus “Tughlaquistic” steps which sought to remove a ban on dividend payments to owners and to clamp a ban on bonus payments to workers. The industrial houses during the Emergency began singing Mrs Gandhi’s praises first out of fear and now out of affection. The workers were unhappy with the reduction of their compulsory bonus of $8\frac{1}{2}$ per cent to 4 per cent. The dividend payments from July 6 1976, in fact brought about inflationary trends.

The restriction on the payment of dividends was introduced in the Finance Bill of 1974, as an anti-inflationary measure and the ceiling on dividends was fixed at 12 per cent. An amendment in 1975 allowed payments of more than 12 per cent but in two equal instalments. In this context, with a view to removing any prevailing uncertainty, the government clarified its policies with respect to industrial licensing, capital issues, management, foreign collaboration and other related areas. Further, steps were taken to implement the policy of assuring a fair return on investment. For this purpose, price controls were removed from a number of items and industrialists now had the freedom to adjust prices in line with other factors. In addition, the government also reduced the burden of wealth taxation, as well as rates of personal income tax, especially the marginal rate.

The credit squeeze policy of the government also failed miserably. The sharp rise in scheduled banks' credit began in the middle of December 1975, five months after the promulgation of the Emergency when there was a psychological control on the finances. The raised bank credit to the commercial sector between December 12 1975, when it started showing an upward trend upto January 9 1976, was Rs 404 crores. In the previous corresponding period the increase was only Rs 190 crores.

The purpose of extending benefits to industrialists could be obviously an expectation on the part of the rulers, particularly Mrs Gandhi and the coterie, of reciprocity. Industrialists no doubt did open their purses, but also quenched their thirst of whatever they wanted and in whatever manner they wanted. The objective of the collection of so much wealth has so far not been diagnosed. Could it be elections, thereby controlling the country's politics permanently? Could it be the conversion of Indian money into foreign exchange deposits abroad to form cartels or for the inner circle as a guarantee against the eventuality of Mrs Gandhi's defeat or removal from office? I really do not know. But I do pity the sagacity of the She Tughlaq and her admirers, who pleaded the cause of the weaker sections of society and in reality suppressed them. I pity, too, those who saw in the curtailment of workers' wages—bonus is deferred wage—a reflection of socialism.

And where now was that country which claims to be the friend of the workers and raises the slogan of the unity of the workers of the world, and which was being fully represented through its agents in India? Russia was only bothered about its own interests. It continued to make huge profits from trade with India. Take the instance of a million tonnes crude oil which in 1977 would cost India Rs 86 crores, working out at 13.10 dollars per barrel which is at the level of the OPEC prices. Including the higher rate of freight because of the greater distance the Russian oil would cost us much more than the oil given to us by the Arabs. Our friendship with the Russians is age old, now further strengthened by our wars. A liberal flow of defence equipment to be expended uselessly like Diwali crackers by a poor man, during hostilities with neighbouring countries, has been one very bold expression of that friendship. To charge a friendly country with generating seeds of war between India and

Pakistan would be unjust on my part. But I certainly do know that Russia has never come to our rescue during peace time, except for one occasion when it offered to sell wheat to us, when we were in dire need of it and it had pre-empted purchases in America and Canada and thrown us out of the market in competition. The terms were very simple, *i.e.* the payment would not be made in cash by India but in kind in the shape of wheat a few years later when the prices would be much higher than those prevailing then. This facade of barter agreements was found out, although too late, by the Information and Broadcasting Ministry also during the Emergency, which used to import films from Russia in preference to similar imports from other countries against dollar payments. It dawned upon the TV offices suddenly that the consideration in the shape of goods amounted to much more than the consideration by way of foreign exchange. After all the goods that we export would also fetch us some foreign exchange and ease the conditions of our economy! Why barter agreement at all?

So the Russian agents in India never advised the government on the woeful recession in industry, increasing unemployment and lock-outs and strikes which were never reported. The figures of man days lost have already been given above. In Faridabad alone which is one of the biggest industrial centres of India, there was a great industrial slump, attributable mainly to power shortage and a sympathetic influence from other industries. The small scale industries that closed down during the Emergency account for at least 30 per cent of the total industrial units which numbered 1623 in 1975. In 1976 the number went down to 1187. This was representative of the condition of the industrial sector in other parts of the country. The textile industry of West Bengal alone reported that Rs 2 crores worth of unsold cloth was dumped in its godowns because of the decreasing purchasing power of the people. A total of 9,000 business houses and factories, 31 cotton textile mills, more than 100 steel plants (mini) and most engineering units catering to textile mills were closed down during Emergency. Price stamping of cloth raised the prices in the wholesale market by about 5 to 10 per cent.

Prices of other goods also started showing an alarming increase during the Emergency itself. The index of wholesale prices at 3113 on August 28 1976, was as much as 10 per cent

higher than that on March 20 1976 KR Puri himself, Governor of the Reserve Bank* expressed concern at the rise in prices levels despite controls on monetary expansion and credit.

Wholesale grain prices rose by Rs 22 to Rs 30 per quintal. Wheat prices increased from an average of Rs 160 to Rs 185 per quintal, jowar from Rs 140 to Rs 166 per quintal, bajra Rs 110 to Rs 125 per quintal, gram Rs 130 to Rs 190, urad from Rs 220 to Rs 240 per quintal. The fact is that the rise or fall in prices of foodgrains is always mainly due to the good or bad monsoons every year. The government can take credit for its luck or for a microscopically partial manoeuvring of the situation. Week after week the prices rose but the government always claimed that they were falling. Contradictions or denial of this by traders or consumers was completely banned under the Emergency orders. Any the discussion of the acute shortages or unfavourable price situation was not allowed to be reported anywhere. The code of ethics by the journalists themselves and a set of guidelines, by the authorities were in consonance with each other, implicitly holding aloft the ideal that saving of the ruler's throne was more vital than saving the lives of the people.

The statistics were controlled in a very shabby manner—Instructions were issued to various departments collecting statistics to tone down the trends on paper despite rising prices so that the people do not know that the prices were rising. A barrage of propaganda on TV and Radio during that period when the backs of the consumers were being crushed under the burden of rising prices, was playing a joke with the sentiments of the people insisting that prices were on a downward trend. Still, despite all this the statistics did partly reveal a picture to the contrary.

The Congress government spent Rs 1.64 crores on books and booklets justifying the Emergency and popularizing their economic plans. Advertisements worth Rs 1.18 crores were released for similar propaganda in newspapers †.

Thus, the expenditure on propaganda for a proposal can be more even than the expenditure on the proposal itself! It is

* As per report published in *The Times of India* September 16 1976.

† LK Advani in Parliament.

estimated that the cost of demolition of some houses in some localities was more than the value of the houses themselves! The land vacated from such dwellings served no useful purpose, In Patel Nagar in New Delhi for instance, the roads are already wide enough and to clear hardly a foot of encroachment meant at least a crore of rupees on the part of the government destroying 10 crores worth of buildings belonging to a not very rich strata of society Similarly, expenditure on the family planning programme was incurred wildly The propaganda regarding this was also very expensive and not commensurate with the results achieved The government spent Rs 156.34 crores in 1976-77 as against Rs 80 crores in 1975-76 which was also an Emergency year, most of it going waste The programme was subsidized one hundred per cent in all the states Huge compensation was also given for sterilization to individuals and families A recent survey conducted in a district, where many of the men had undergone a vasectomy operation, often under the inducement of cash payment (of Rs 40) or a cheap transistor radio, revealed that 35 per cent of those sterilized had wives aged 45 or above, 20 per cent were widowers or separated, and another 6 per cent were unmarried In other words, 61 per cent of the men who had been sterilized did not belong to the couples in the reproductive age group* States like W Bengal which really needed cuts in population were not touched as ruthlessly as some which are under populated

Putting pressure on the exchequer were not only the ardent supporters of the family planning programme which needed subsidizing but also those who wanted to fulfil the 20-point plan of Mrs Gandhi and the 5 point programme of Mr Sanjay Gandhi Practical results were almost nil Rural indebtedness which was supposed to have been wiped out by an Act of the government placing moratorium on the repayment of loans to private parties, created problems of various natures. Those who wanted to preserve and protect their credibility still continued paying back the loans taken by them along with the interest Those, hardly 2 to 3 per cent, mainly in villages who were unable to pay earlier before the Emergency refused to pay now and lost their chances of getting such loans in the future

* *Time Magazine* September 15 1976

The government did not come to their rescue by way of any special measures nor were loans from cooperative societies to these victims covered by this Act. Unemployment among workers encouraged exploitation in the industry rather than the so-called workers participation which was never achieved. I do not know how or why suddenly one day the government decided not to pursue the cases of smugglers. As it appears, the MISA was mainly used for political opponents—much more than for smugglers and other economic offenders. During the Emergency itself Haji Mastan and others were seen moving about in the same way as before MISA. Thermal Power Development was within the scheme enunciated by the Planning Commission and was nothing new. Bonded labour vanished also only on paper. Dowry was considered a social evil but only on TV and Radio. In practice it continued, as I mentioned in examples of the marriage parties at the houses of the important Congress leaders Yash Pal Kapoor and SD Sharma which I personally attended during the Emergency. Actually the evil was encouraged rather than eliminated. Of course, industrial licences which were liberalized did make some dent on the already staggering economy of the country. Loans were proposed to be issued for the development of handlooms only to those who knew the Congress bosses and to those who could pay 5 to 10 per cent hush money to the bank staff. The dream of checking tax evasion so long as the culture of corruption is not effaced from among the government employees is only a far fetched idea. We have already discussed sufficiently the price structure and the claims of the government that the prices in any way fell during the Emergency have been found to be fallacious. Economic disparities were never visibly removed nor was the urban land socialized as has been publicised. The Ceilings Act only created stagnation in building activity.

The 20-point programme of Mrs Gandhi and the 5 point programme of Sanjay fell like a house of cards revealing to the common man that the Emergency was not meant for him but for the retention of absolute power by Mrs Gandhi and the caucus. During Emergency I met beggars who claimed to be college students.

The Planning Commission under the chairmanship of Mrs Gandhi had reduced the production targets for 1976-77 and 1978-79 because there was a recession in industry. Only 18.4

percent of surplus land available was distributed as against the promise of a 100 per cent. The figures of the allotment of house sites publicized by Mrs Gandhi related to the years since 1971 and not since the day of the promulgation of the Emergency. They were thus misleading. The benefit of rural indebtedness relief accrued mainly to the rich farmers in villages. The minimum wage policy was a hoax, for the government farms and even Mrs Gandhi in her Mehrauli farm never paid the prescribed minimum agricultural wages. The Planning Commission set up a target of 0.9 million hectares for additional irrigational facilities while Mrs Gandhi claimed in her broadcast to the nation, a target of 5 million hectares. The actual achievement was 0.8 million hectares. 25 per cent of the total villages were without drinking water facilities before the Emergency, during the Emergency and after the Emergency. As against 2,600 MW of additional electric generation promised by Mrs Gandhi, only 1440 MW of additional electric generation was achieved as per the statement of the concerned Minister in Parliament. This is like the blackmarketeers keeping two sets of accounts, one to show to the authorities and the other for their own consumption. The price of electricity to farmers was six times the price charged to industrialists and 20 times that charged to Birla. The production of controlled cloth was actually 350 million metres during the Emergency as against the announced 1200 million metres. The Urban Land Ceiling Act, as per exemptions under Section 19 allowed by the authorities, had exempted 90 per cent of land from the purview of the Act because this land belonged to big industrialists. The voluntary disclosure scheme produced no substantial results as already discussed above. How many Congressmen were there among those who declared their hidden income? The Direct Taxes Inquiry Committee had declared that the scheme was a fraud.

The worker equity participation scheme was a hoax for it was never implemented. It was particularly not desired to be implemented in the public sector. On top of this, bonus was abolished by these friends of the weaker sections of society. The students' hostels provided bad quality food at exorbitant prices during the Emergency. Benefits to students were therefore non-existent. Students who protested were arrested under MISA. Because of reduction in paper output, there was a shortage of

text books. Under the Apprenticeship Act, private industrialists were coerced to engage Youth Congress workers. The figures of the educated unemployed in the Employment Exchange registers rose by 10 per cent during the Emergency. The Constitution of India has already declared bonded labour as illegal. Therefore, the claim of Mrs Gandhi with regard to this category of labour during the Emergency was a fraud. In spite of this, bonded labour was *not* abolished. A number of corrupt Ministers have not been prosecuted. The Bombay Congress President himself defended smugglers in court cases. Criminal charges against a Congress MP accused in the Pondicherry Licence scandal were withdrawn by the CBI from a court of law during the Emergency. Over 66 000 small industrial units and 300 big units closed down during the Emergency. About 1200 national permits were issued to big road transporters during the Emergency; all belonged to or were favourites of the Congress party who had helped the Party during the elections. Huge amounts of money were collected by the Youth Congress and the Congress leaders from these transporters. An income-tax exemption limit up to Rs 10 000 had already been recommended by the Wanchoo Commission. A Bill for a raise of the existing Rs 6 000 limit to Rs 8 000 was also sought to be introduced in Parliament before the Emergency to which Mrs Gandhi raised an objection. Now when the prices had gone up and the real wages reduced the exemption limit of Rs 8 000 appears to be a mere hoax.

It can now be easily claimed that the corruption in politics resulted in the deterioration of our economy. Whoever protested was put behind bars implying that corruption was no crime. In fact laws were passed whereby no one could raise a finger nor could any newsman report against any corrupt Minister even if he caught him red handed taking bribes. Crocodile tears are being shed over the decline in our moral standards. Stringent laws and still more stringent laws are being introduced to show to the people that the rulers are honest enough to straighten out these faults. The fact is that their intentions are not honest. That is why Gunnar Myrdal* has termed India and other Asian countries where laws are not meant for implementation but for mere show as *corrupt states*.

* In his *Asian Drama and the Challenge of World Poverty*

The fact is too that a good deal of lethargy has been injected in the marrow of our bones by the system of numerous kinds of subsidies introduced into an already corrupted economic structure. All benefits generally accrued to the rulers' sycophants. There is cash incentive for exports, including foreign exchange benefits. The richer the businessman the greater the subsidy. Disparity, therefore, easily overtakes the socialistic plans. Then also if a man is an imaginative broker he need not indulge in actual import or export business. He can simply wangle a licence and sell it away in the black market and continue living like a lord and doing the rounds of the clubs and restaurants, now and then throwing a few crumbs to petty officials for more and more help and sharing the booty with those who matter more. I once discovered an interesting racket. A dealer makes out a plan for the export of certain finished goods and is given a cash incentive to subsidize his business. He packs up these finished goods and then at a distant port in connivance with his agents dismantles the goods. He has thus exported and is now planning to import. He repacks them and imports the same dismantled parts against which he is now allowed further benefits. He has therefore, neither imported nor exported anything but the government economists have already calculated for you that the country has entered into such and such amount of balance of payments and so much import and so much export. The dealer then sells his licence. His imports are professed to be on credit entitling him still further, through this vicious circle, to more and more benefits. He goes abroad a number of times in the year, indulges in smuggling with immunity and makes a lot of money and plays havoc with the economy of the country.

It is food for thought and I pity the economists and statisticians who tell us that smuggling, in or out, is bad. It is on record that we have been importing so many items which we as a nation do not really need. This is sheer legalized smuggling.

The basic concept of governance is that the government is always right. I pooh pooh this ideology and say with confidence that I can govern my affairs, myself and myself alone. When there was no government, my forefathers engaged *goondas* for their protection or perhaps they themselves became *goondas* and called themselves *Sardars* during Punjab's turbulent days.

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There was the *rakhi* system which in a sophisticated and legal manner is employed even today I have to pay through my nose for buying protection from the police I am as insecure today as my forefathers might have been during their own period What is the difference between a state where I am not governed and a situation where I am governed legally by a government? That government is illegal which does not adhere to the rule of law for then I feel I am being looted or exploited beyond what I wish or deserve Perhaps, I should say no more for then I am likely to propagate the anarchist views of Gandhiji for ideal living or a peaceful life

We were talking of subsidies There is subsidy for "service to humanity" Among the ruling members of the Party thousands of such people all over the country crop up with professed sympathy for the weaker sections of humanity with fake schemes Artistes, journalists, publishers wanting favours from the authorities have only to dance before them with praise and flattery and they are soon entitled to awards, scholarships aids, grants advertisements in their journals of which only five copies are really needed, one for record, the other for billing the DAVP or other government departments issuing the advertisement, and one or two perhaps for friends to scan through Many Ministers through their relatives and MPs do such work Foreign tours are in the hands of the government You can plan out a scheme for an organization like the Bharat Sewak Samaj (in the service of India) and make lakhs and lakhs of rupees You can formulate a proposal for the setting up of a Bharat Krishik Samaj (in the service of India's peasantry) and wangle money You can hold a provincial national or international fair and earn thousands lakhs and crores of rupees to be shared with others in authority You may be on the lookout for special projects on which the government can give you a loan or grant and you can come out pat with a nicely typed constitution of your society If you lack originality you can jolly well go to a Gandhi-capped friend and request him to devise a plan for you

You can also go about collecting subscriptions of all kinds Perhaps there is going to be war and you can get nominated to a post to collect war funds Perhaps there are floods and you can open relief camps There are opportunities like charity bestowing institutions like hospitals, schools, or homes

for the handicapped. You can organize sports events. There is that special weakness of the bosses, holding "nights" for actors or singing and film extravaganzas—the government has special departments to help promote culture and the fine arts!

Radio and TV exist only for this! Crores and crores of rupees are being spent every week to please the eyes and the ears of the people! I am the only one in the world to feel that the government's only job ought to be the maintenance of law and order and defence in the event of external aggression. Besides these, all other purposes are secondary. But the pity is that despite the lessons from Tughlaq, this woman used the police not for the protection of the honour of the people, but for their suppression and she used the army not for defence but for fighting losing battles in Bangla Desh and Sikkim, etc. I call these losing battles, for it is because of these transparently expansionistic designs that our economy was irreparably destroyed and on the other hand it is also because of these that more and more greed overtook this woman, ultimately generating in her, like Hitler, an unsatiable desire to hold power in perpetuity and if possible over India's border territories too, hoodwinking and blinding us with facile slogans that all was meant for the weaker sections of society. The actual fact was that the degenerating economy, and falling standards of political morale led her to the inevitable—the Emergency.

The following few tables provide a better probe into the economy

TABLE I
Agricultural Production

	<i>Foodgrains million</i>	<i>Oil seeds million</i>	<i>Sugarcane million</i>	<i>Cotton million</i>	<i>Jute million</i>
1970-71	108.4 tons	9.3 tons	126.4 tons	4.5 bales	5.6 bales
1974-75	101.1 "	8.4 "	140.2 "	6.7 "	5.8 "
1975-76	118.0 "	10.5 "	144.8 "	6.5 "	5.8 "

This indicates only a marginal increase in agricultural output. The reason for this is good monsoons and not the improved methods of cultivation wherein government contribution could have mattered a lot. Towards this end the Emergency was a flop.

TABLE 2

Essential Commodities
Per Capita Availability Per Year

			(in kgs)			(in mtrs)
	<i>Foodgrains</i>	<i>Pulses</i>	<i>Edible Oil</i>	<i>Vanaspatti</i>	<i>Sugar</i>	<i>Cotton-cloth</i>
1964-65	175.3	22.5	3.6	0.8	5.1	15.2
1970-71	171.2	18.7	3.3	1.0	7.3	13.6
1974-75	151.6	15.8	3.2	0.6	5.8	12.9
1975-66	167.6	16.2	3.6	0.7	5.1	12.7

There was a general decline in the consumption during the ten years before the Emergency and later on despite the Emergency the picture was not rosy

TABLE 3

External Assistance
(Rs million)

<i>Year</i>	<i>Gross and Utilization</i>	<i>Amortisation Payments</i>	<i>Interest Payments</i>
1	2	3	4
1966-67	11,320	1,570	1,150
1967-68	11,770	1,940	1,220
1968-69	9,130	2,070	1,370
1969-70	8,370	2,380	1,420
1970-71	7,800	2,540	1,580
1971-72	8,210	2,710	1,750
1972-73	6,050	3,020	1,770
1973-74	6,920	3,000	1,840
1974-75	8,300	3,310	1,810
1975-76	16,390	4,700	2,300

TABLE 4

Economic Dependency on Various External Sources
Aggregate External Assistance
(Rs Million)

According to a Report on Currency and Finance 1974-75,
vol. 2, RBI, p 227.

<i>Country/Institution</i>	<i>Value</i>	<i>Percentage of Total Aid</i>
IBRD/IDA	34,930	21.5
USA	60,100	37.1
USSR	10,330	6.4
West Germany	12,180	7.5
UK	14,390	8.9
Japan	5,540	3.4
Others	24,660	15.2
Total	162,130	100.0

TABLE 5

Defence Expenditure of the Government of India

<i>Year</i>	<i>Total Expenditure Excluding Nuclear Expenditure and Expenditure on Semi-Military Establishments</i>	
1961-62	3,124.9	
1962-63	3,860.0	} (India's China war)
1962-63	5,045.6	
1963-64	8,160.0	
1964-65	8,060.0	
1965-66	8,850.0	(Pakistan war)
1966-67	9,090.0	
1967-68	9,680.0	
1968-69	10,330.0	
1969-70	11,010.0	
1970-71	11,990.0	
1971-72	15,250.0	(Bangla Desh war)
1972-73	16,520.0	
1973-74	16,810.0	
1974-75	21,570.0	
1975-76	24,100.0	
1976-77	25,440.0	

TABLE 6

Direct and Indirect Taxes (Central and State Governments and Union Territories) During Mrs Gandhi's Rule 1966-67 to 1975-76 (Rs Million) (It may be noted that indirect taxation means more burden on the common man)

<i>Year</i>	<i>Direct Taxes</i>	<i>Indirect Taxes</i>
1966 67	8 320	25 940
1967 68	8 590	27 790
1968 69	9 100	30 130
1969 70	10 430	33 530
1970-71	10 910	38 640
1971 72	12,750	45 150
1972 73	11 830	52 530
1973 74	13 240	60 650
1974 75	14 600	74 290
1975 76	15 720	83 540

TABLE 7

Annual Growth Rate of National Income and Index of Real Earnings of Workers

<i>Period</i>	<i>Annual Rate of Growth of Net National Product (at 1960 61 prices) per cent</i>	<i>Index of Real Earnings of Workers (1961-100)</i>
1	2	3
1966 67	1 0	95
1967 68	8 2	91
1968 69	3 0	94
1969 70	6 5	101
1970 71	5 2	101
1971 72	1 8	101
1972 73	-1 5	103
1973 74	5 0	n a §
1974-75	0 2	n a §
1975 76	n a	n a

§ not available

TABLE 8
Price Index (Base 1971)
(1976 Last Quarter)

Sugar	187.2
Edible Oils	171.8
Cotton Textiles	162.3
Drugs	144.7

TABLE 9
Growth of Monopolies

<i>Top 10 Selected Years</i>		<i>Assets Rs in Crores</i>	<i>Top 20 Selected Years</i>		<i>Assets Rs in Crores</i>
1951	→	594	1951	→	648
1966	→	1753	1966	→	2335
1975-76	→	3717	1975-76	→	5111

Tatas were number one on the top in 1966 with Rs 418 crores of assets. They became number No 2 in 1975-76 but with Rs 975 crores,—a raise of about 2½ times during the decade. Birlas were No 2 in 1966 but they had government encouragement to reach in 1975-76 the top as No 1 from Rs 458 crores worth to Rs 1065 crores working capital. Mafatlals were No 7 with Rs 93 crores in 1966 and during the decade they achieved position No 3 in 1975-76 with Rs 248 crores as their capital. Like this the rich became richer and poor poorer during Indira's rule. The trend did not abate during the Emergency.

I have talked of the artificially inflated figures to prove the impressively increasing wealth of India and the country's progress. Every government at the Centre and in each of the States allocates huge amounts in most cases to falsely propagate its achievements. I reiterate that these figures are invariably false as has been evidenced by the mounting corruption, mounting prices and mounting disparity between the rich and the poor and the corresponding decrease in real wages and decrease in per capita availability of consumer items broadly speaking. I have discussed how the rampant corruption leads to deterioration in the economy and again the consequent corruption.

Before I jump over, in the next chapter to deal with the laws of the land as a contributory factor to this corruption and other maladies, I would like to give as an example the specific

case of the enormous property accumulated by a Chief Executive Councillor of Delhi—much more than the already discussed VIP land grab, but perhaps much less than what some others in power probably built, and which have escaped probes completely. In the next chapter I make a mention of the accumulation of donations amounting to over Rs 15 lakhs by a former Jana Sangh Chief Executive Councillor, VK Malhotra. The following property relates to Radha Raman, Congress Chief Executive Councillor. I have personally tested the veracity of this statement. I wrote to Radha Raman that a reporter of a weekly newspaper edited by me had sent me the details of his property. I also wrote to the then Director of Information and Publicity to confirm or deny. Neither of them replied. After I published details in the newspaper, I received a letter from Radha Raman not denying the possession of so much property, but merely charging the Jana Sangh with spreading this propaganda. He sent a message to me to reconsider the publication of the report and in writing offered himself for "any service" that he could do for me. This is how these socialist propagandists and honest politicians try to corrupt others also.

The details of 32 properties were published, and briefly they were, proving the spread of socialism and honesty in India. (1) Champa Kutir, XV 1907 Multani Dhanda, Paharganj. (2) Pushpa Bhavan, XV 8677 Aarakashan Road. (3) Nav Shakti School, Rouse Avenue. (4) One and a half acres of premises in C Block Defence Colony with a Languages College named after Dr Radhakrishnan. (5) 11 Jain Mandir Road. (6) N 234 Greater Kailash. (7) N 62 Green Park. (8) to (18) are plots of 1,000 sq yds each in the Lok Sevak Cooperative House Building Society. (19) Several Plots in Dilshad Garden, Shahdara. (20) Agricultural farm between Okhla and Badarpur. (21) A poultry farm, a pottery and an orchard or agricultural farm at Mahalaxmi Garden Colony. (22) Draupdi Niwas (house No 6186), 2F Kamla Nagar. (23) 9992/2 Sarai Rohilla, New Rohtak Road. (24) 1/2 Jor Bagh. (25) C36 Nizamuddin East. (26) C39 Nizamuddin East. (27) D 6/3 Krishan Nagar, Delhi 51. (28) Three business firms: (a) Madanlal Amarnath (Ph 2 1485) (b) Metal and General Traders, (Ph 269779) and (c) iron business. (29) Properties in Bombay. (30) and (31) Cars, cash, ornaments worth Rs one crore. (32) 17 bighas land in Masjid Moth.

8

Will There Be Emergency Again?

‘She is a dictator because her father was too much of a democrat’—this was my answer to a question about Mrs Gandhi which was repeatedly and rubbingly put to me during the Emergency

Jawaharlal respected the opinion of others more than many other statesmen of his stature. He thus succumbed to the majority view in the Constituent Assembly and accepted the inclusion of the crucial Emergency provisions in the basic statute making it easy for any future Prime Minister to become a dictator.

The original culprit was the late Dr BR Ambedkar who was planted on Nehru and the Assembly by Lord Mountbatten, and who inveigled the popular leader into ignoring the fact that in this fashion free India was being moulded into a dictatorial structure. Ambedkar had served his British masters as Law Member of the Viceroy’s Council before Independence. Stooze that he was, he had before Partition continued opposing Mahatma Gandhi and the Congress being at the beck and call of the British. Their representative in India, this member of the aristocracy with royal blood running through his veins, was a friend of Nehru’s and, therefore, he found it easy to prevail upon the Indian leaders through Nehru to offer the most significant

post of the day to Ambedkar. It was a complete surprise to all—indeed Ambedkar was himself surprised over his appointment. He admitted that he had “not the remotest idea that I would be called upon to undertake more responsible functions. I was, therefore, greatly surprised when the Assembly accepted me on the Drafting Committee. I was more than surprised when the Drafting Committee elected me to be its chairman”*

Thus the Congress allowed itself to be completely dominated by a man who was inherently anti-Congress and bent upon ditching its republican ideals.

My assessment is that the Members of the Constituent Assembly of the 1940s, including those who are now part of the Janata Party, were of no higher calibre than the pro-Congress Members of Parliament during the blackest period of India's history in 1975-76 who had readily agreed to adopt whatever motion or resolution was presented to them by Mrs Gandhi. It is on record that just as during the Emergency no Congressman spoke against the Emergency, during the Constituent Assembly debates no Congressman, no Socialist and no would-be Jana Sangh man ever spoke against the inclusion of the heinous Emergency provisions which in 1975-76 alone presented their naked meaning to us.

A similar and recent example of the Opposition members behaving as henchmen is before us. Nath Pai, the Socialist MP, acting on Mrs Gandhi's behest made a deal with her that he would pilot a Bill to have the impartial Supreme Court declared ‘not supreme’. Instead, a Party-oriented Parliament, replete with corruptible and one-sided partiality, would be proposed to be the supreme body in the country. I rue the day Nath Pai and others destroyed the spirit of separation of powers which is enshrined as a principle in the Indian Constitution. The great pity is that they sincerely believed at heart in the Montesque theory of Separation of Powers and yet relegated the position of the Supreme Court unconsciously to a secondary position below that of the Parliament. Nath Pai and company were perhaps innocent of motive but Ambedkar in his time deliberately minimized the role of the Supreme Court thus “I do not see how five or six gentlemen sitting in the Federal or Supreme

**Constituent Assembly Debates*, Vol. XI, pp. 973-74

Court examining laws made by the legislature by dint of their own individual conscience or their bias or their prejudice be trusted to determine which law is good and which law is bad " This is a lawyer and jurist himself casting aspersions on the Supreme Court which he himself made supreme for us through the Draft Constitution propounded by him Still he teaches us all the good lessons embodied in his confused philosophy

The then father figure of the later Jana Sangh, Dr Shyama Prasad Mookerjee, and a senior member of the Janata Party, HV Kamath, who now claims to have opposed the provisions then, were in actuality in favour of Emergency The only innovation or check that they could think of was that the power of the President to impose Emergency must be ratified by an Act of Parliament* later on—posthumously, however, for democracy was long dead

About Kamath *The Framing of India's Constitution*† says that "Draft Article 280, suspending in an Emergency the right to move the courts for the enforcement of fundamental rights also came in for criticism HV Kamath moved amendments which were intended to secure that the rights sought to be suspended should be mentioned in each order by the President, and that such order would be subject to approval by Parliament, by a (simple) majority "

Ambedkar at last agreed, probably with heavy heart, to the re-consideration of the question whether proceedings before a court should be by order of the Union Government or by law made by Parliament A last-minute proposal to enable the Union Government to deal with financial Emergency was also introduced by Ambedkar on October 16 1949

Thus, the so-called Manu of modern India could give nothing of Manu to the independent India He called the demand for individual freedom an "extravagant demand", and thus struck the very final blow which constitutionally killed the individual at the hands of the State

Mrs Gandhi had, therefore, the cheek to claim that she had followed the Constitution to the letter It was indeed a slap in the face for Mookerjee and Kamath especially, because it is on

**Select Documents* 11 15 (iii) p 529 quoted in *The Framing of India's Constitution* edited by B Shiva Rao, Vol V, p 806

†*Ibid* p 818

the strength of the plan supported by them and others in the Constituent Assembly that she could ultimately become a dictator.

It is besides the point that Ambedkar also had the audacity to put forward a proposal, to please his British masters, for the replacement of the word "Republic" by the word "State", for never did he dream of a completely independent India. Perhaps the only forceful and effective step that he took during his tenure as Chairman of the Drafting Committee was in regard to the inclusion of the provisions relating to safeguards for certain castes which the so-called secular Constitution has referred to as the Scheduled Castes. Scheduled or unscheduled, caste is caste and goes counter to the spirit of secularism.

No one really wants to discuss how a wedge has been created between class and class in this country, because of the faulty provisions of the Constitution. Ambedkar fought tooth and nail and succeeded once again in getting Nehru's consent to let India remain in the Commonwealth. As a *via media* the Constitution and the concept of the Commonwealth were changed to suit Nehru as well as Ambedkar's masters. I have analyzed Ambedkar's mind mainly to prove that the simple minded members of the Constituent Assembly were no match for a Machiavelli like him.

Let us now discuss the towering among the personalities of today. Loknayak Jayaprakash Narayan sent numerous notes for guidance of the Assembly, at that time never raising an eyebrow against dictatorship for he could never, then, envisage the mischief that these Articles of the Constitution were going to play three decades later with the fundamental rights.

JP, on the contrary, went a step further to suggest that "The Federation may also suspend the provisions of the Constitution concerning freedom of speech, association and assembly and inviolability of a person's home and (even) correspondence (meaning censor* of private letters) in the manner and to the extent determined by the Federal law."

He, however added that "the executive authority must immediately communicate to the Federal Legislature all measures taken under this Article of the Constitution"†

Curbs on fundamental rights during Emergencies are a

*See *Constituent Assembly Debates* Vol X pp 432-442

†*The Framing of India's Constitution* p 364

feature of many Constitutions, but the safeguards guaranteed by those Constitutions make it almost impossible for governments to declare a state of war arbitrarily. The safeguards are explicit and in some cases implicit. But they are there.

Our Constitutional Emergency descends directly from the British concept that the ruled are slaves. The relationship between the Indian subjects of the British Empire and their sovereign was protected by that institution called Residents in the Princely States and Governors in the Provinces representing the Crown.

The Republican Constitution of India too, embedded such an institution representing the President. Stalwarts among the leaders of the Congress Party, now Members of the Constituent Assembly, knew the difficulties created by the Governors. As Ministers or MLAs while they managed the elected governments in Provinces under the 1935 Government of India Act, they protested, they raised a hue and cry against this "detestable" interference, but in Independent India they wanted to be masters treating others as their subjects. Knowing that they were the rulers of future India they selfishly refused to be liberal, feeling that the power thus granted to the people would mean power curtailed for them. They, therefore, sneakily agreed with the British philosophy that the dictatorial Articles should be a part of the new Constitution. When some expressed the scepticism that this kind of Constitution would spell ruin to democracy, they chose to be silent or suggested misleadingly that anyway the matter was not of much consequence. Even the similar Article 48 of the Wiener Constitution which prepared the ground for Hitler to turn dictator was much milder than this Emergency Article of the Constitution of India which these Congressmen brought in knowingly!

Section 93 of the Government of India Act (1935) which is likened to the Emergency Articles of the Indian Constitution was criticized by Sir Winston Churchill. He characterized the Act and the Governor General's powers then to be such as to "rouse Mussolini's envy."

The founding fathers were simple and fell unconsciously into the trap laid by Ambedkar. They failed to serve the liberal thinkers who wanted the Constitution to be a symbol of freedom with inbuilt checks and restraints. These makers of the Consti-

tution do not, therefore, deserve credit. They lacked originality of thought, copied provisions from various unsuitable sources and reposed too much confidence in faultily elected representatives under an inadequate electoral system. On the one hand they talked of separation of powers and checks and balances and on the other hand projected the supremacy of Parliament ignoring other wings and their equal supremacy. Is this not illogical? To repeat once again, JP, Kamath and Mookerjee and those doyens among constitutionalists, to their detriment quarelled not on the issue of rejecting or accepting the Emergency, which was taken for granted but on the ways as to how the Emergency should be imposed. As is quite clear no MPs can be expected to go against the wishes of their chief ruler. And they cannot, in future either, if this system prevails, ever be allowed to go counter to the leader, or counter to the directive of the Party that they represent, for their weakness is the bait that the Prime Minister can always dangle before them—a chance of their being made Members of the Cabinet or some other such tantalizing prize that is exclusively the Prime Minister's prerogative to bestow. Thus Members of Parliament will always remain subservient to the Prime Minister.

There are now two alternatives before the present generation. They can depend blindly on the sincerity of the rulers and hope against hope that they do not misuse the Constitution. And the second and better alternative is that we amend the Constitution to make Parliament really representative of the people in fact and not merely in theory so that this kind of Emergency situation cannot recur.

Mrs Gandhi used the Constitution and the laws for her own purposes for which those which needed amendment were amended, and in many cases with retrospective effect.

One would like to suggest that, merely for the sake of propriety, the retrospective nature of the Acts must never be actuated by personal motives. It should be properly defined as to which Acts really deserve retrospectivity.

The Maintenance of Internal Security Act of August 5 1975, was made retrospectively applicable from June 29 1975, because some arrests had already been made. In fact MISA had to be made applicable retrospectively all the three times it was amended. This not only speaks for the confused mind of the

Law Minister who had to resort to amendment after amendment but also for the MPs' and Mrs Gandhi's ill intentioned objectives

MISA was so wildly worded that High Courts could easily find it *ultra vires* the Constitution. In fact, some of the High Courts released many of the MISA detenus because of the flaw in the law which vested autocratic powers in the hands of the constitutional and democratic government. Kuldip Nayar, well-known journalist, was arrested perhaps without reason. When his writ petition came into the Delhi High Court, the prosecution could pre-judge the decision of the Court and the Court was almost on the verge of delivering judgement, when the government requested that it be allowed to withdraw the case. A part of the Bench which had wanted to record the highhandedness of the government in black and white was demolished in the sense that the judges were transferred forthwith. It was on September 15 that the Delhi High Court gave a ruling to the effect that the State was bound by the Rule of Law even during an Emergency and that the true rule of law was to uphold and not to destroy liberty.

The judgement was also a prelude to the amendment of MISA which in those days was no problem. Amendments to any law could be made for the asking. There was no need for a discussion, there was no need for the law to go through the usual lengthy procedures as is the practice in democracies. The ruling was given by Justice S. Rangarajan delivering judgement of the Court with which the other judge on the Division Bench Justice R.N. Aggarwal, concurred, in the Habeas Corpus petition challenging the detention under MISA of Kuldip Nayar, filed by his wife.

The judges ruled that neither the 38th Amendment to the Constitution, nor the President's Order under Article 359 suspending the detenus' right to enforce their rights under Art 14, 21 and 22 of the Constitution nor Section 18 of the MISA stating that nobody held under the Act will have the right to personal liberty on grounds of natural or common law ousted judicial review in cases of mala fide detention under the Act. Rule of law will not permit arbitrary action, they held. The obvious consequence of accepting the government claim to that effect would be to allow law to destroy liberty whereas its true role is to promote liberty, the judges ruled.

This is how MISA was evaluated by the judges. The judgement was not allowed to be published then. But it will remain in the pages of history a memorable event of concussion between the judiciary and the executive and between the executive and the people in general. It was in view of the Kuldip Nayar judgement that MISA was amended for the third time again. Through an ordinance detenus were forbidden the right to know on what grounds they had been arrested. The disclosure of grounds of arrest to the courts was banned. The MISA files would be a state secret now, the appropriate government or officer having the right to arrest any person on the basis of information and materials in its or his possession without communicating or disclosing any such information or materials to the person concerned or affording him any opportunity of making any representation against the making under Section (2) or

Thus 34 620 persons were arrested in this manner and denied the right to know the grounds for their arrest. Over a lakh more persons were arrested under various Sections of the CrPC also. This is how the Emergency rule of India brought to memory the days of Mohammad Bin Tughlaq.

Talking again of the Habeas Corpus petitions, many high courts thought that arresting people in this manner was high-handedness on the part of the government. But after the Supreme Court judgement the high courts were barred from taking up such petitions. The principal of a school in Delhi was threatened with arrest under MISA if he refused to give admission to a certain student. Officials dealing with Maruti and behaving in a manner unlikeable to Sanjay Gandhi were arrested. Like this thousands of cases came to light only after the Emergency, in which the rule of law had been flouted.

The following is the statement showing statewide MISA arrests. It may be noted that the arrests of the other one lakh odd persons as mentioned above are not included in this statement.

MISA ARRESTS

Name of State/ Union Territory	As On 25 6 75	25 6 1975 to 19 3 77	Under S 16-A	Not Under S 16-A	As On 1 8 76	As On 8 1 77	As On 19 3 77	As On 25 3 77
Andhra Pradesh	5	1078	1052	26	377	461	255	16
Assam	—	534	344	190	136	290	129	1
Bihar	26	2116	2116	—	1180	1632	1412	—
Gujarat	—	1805	1778	27	778	1085	266	23
Haryana	—	200	200	—	122	148	19	—
Himachal Pradesh	—	34	34	—	14	15	2	—
Jammu and Kashmir	380	535	397	138	46	303	221	180
Karnataka	—	483	483	—	300	328	110	—
Kerala	—	778	778	—	549	637	388	38
Madhya Pradesh	2	5550	5157	393	2348	2655	1390	—
Maharashtra	—	5415	5415	—	3411	6981	1414	42
Manipur	—	143	125	18	22	72	29	3
Mehalaya	3	38	38	—	30	28	22	3
Nagaland	3	109	40	69	1	1	24	—
Orissa	15	451	451	—	230	281	137	—
Punjab	155	381	60	321	38	53	28	208
Rajasthan	4	542	542	—	345	355	143	—
Sikkim	—	4	4	—	—	4	4	—
Tamil Nadu	—	957	957	—	578	599	130	12
Tripura	25	77	77	—	67	76	11	1
Uttar Pradesh	14	6764	6726	38	2343	6186	4406	—
West Bengal	5223	5313	304	5009	189	249	217	5248
Arundachal Pradesh	—	—	—	—	—	—	—	—
Andaman & Nicobar Islands	—	42	41	1	13	77	—	—
Chandigarh	—	27	27	—	10	16	4	—
Dadra and Nagar Haveli	—	—	—	—	—	—	—	—
Delhi	4	1011	1011	—	751	815	74	21
Goa, Daman and Diu	—	112	112	—	68	96	8	—
Lakshadweep	—	—	—	—	—	—	—	—
Mizoram	29	71	57	14	51	57	55	55
Pondicherry	—	54	54	—	1	2	2	—
Central Government	122	6	6	—	3	3	—	—
Total	6010	34630	28386	6244	14301	20446	10903	6858

Another ordinance had been earlier issued on June 17 1975, making it possible for the government to arrest people under the Conservation of Foreign Exchange and Prevention of Smuggling Activities (COFEPOSA) In all 13,000 persons were arrested under COFEPOSA, three hundred and seventyfive out of these remained absconding throughout the Emergency More than ten crores worth of property belonging to these detenus was confiscated including one crore worth of property attached by court orders But when it came to pursuing the casts in the courts of law, the governments issued oral instructions to their attorneys not to press matters Well known Congress leaders including Rajni Patel defended the smugglers in the courts and their business flourished though perhaps in a more sophisticated manner than before They gave liberally to the Congress funds particularly towards the end of the Emergency and before the approaching elections

Five hundred and thirtythree persons were arrested for distributing clandestine pamphlets in Delhi alone and 14 printing presses were seized, but in these cases, too, neither could any proof be advanced nor was any person tried or punished under this particular offence One thousand one hundred persons were arrested in Delhi alone under the price tag order We have already in the previous chapter discussed the results of this drive Statistics were concocted and produced to hoodwink the people When prices were rising, TV was depicting a contrary picture through hired interviewees or concocted statements Even children giggled and laughed at the clumsy efforts of the Indira government to befool the people and the fact was that she herself fell in the estimation of thousands of viewers, daily 4,300 structures were demolished without the support of any law during the Emergency which we all know about now 2 072 Central government officials were retired on the pretext that they no longer served the purpose of the government, for one reason or another Cases of 50 439 government servants were reviewed— 721 in Class I, 3288 in Class II, 38127 in Class III and 8395 in Class IV Of those retired prematurely 10 belonged to Class I, 45 to Class II, 1,377 to Class III and 558 to Class IV

Against this during the decade of Mrs Gandhi's rule, action against 3,348 government servants was initiated by the Central Vigilance Commission. This was the state of the rule of law

which was but in a quandary

Certain other Fundamental Rights like freedom of movement and freedom of expression were suspended by Presidential Order. The freedom to form associations was also restricted, and all associations which posed a threat to Mrs Gandhi's seat of power were disallowed from functioning. The activities of 26 parties, associations and organizations were banned.

Returning to a discussion on how Mrs Gandhi used or misused the Emergency provisions, let us go back to June 25 1975. Article 352 of our Constitution says "If the President is satisfied that a grave Emergency exists by way of external aggression or internal disturbance, he may, by proclamation make a declaration to that effect."

Under this Article, the Emergency was already in operation since 1971. There was no fresh need for the reimposition of the Emergency or its re-proclamation as was done in this case. When you take a medicine for pain in your hand, for instance, there is no need to repeat the dose five times to cover your five fingers, one by one. But here in India it was done more for psychological reasons than for the actual use of the said Article. To give it legal shape the Constitution was amended retrospectively (38th Amendment) authorizing the President to make two separate proclamations to justify the June 1975 declaration although he had already declared one proclamation earlier.

This announcement, to my mind, does not render the position of the declaration merely redundant, but also illegal, for the motive for getting the redundant announcement made by the President was obviously self preservation by Mrs Gandhi. Coupled with other flaws the faulty or dishonest proclamation makes the whole Emergency and all the Acts and Constitutional amendments by the illegally extended Parliament *ultra vires* the Constitution. The other unfulfilled ingredients of Article 352 are (1) the satisfaction of the President and more importantly, (2) the advice of Council of Ministers (Art. 74) as a precondition to all declarations by the President.

The proclamation, as is now well known, was made by the President not on the advice of the Council of Ministers but on Mrs Gandhi's advice only. The Council of Ministers was informed of such a proclamation having been signed by the President only the next day. The other purpose of

issuing the proclamation unnecessarily even while one was already alive was to take the people by surprise and stun and terrorize them. Even the Cabinet and the Party were stunned but the implied threats of punishment issued by her to all those who dared to oppose her brought everyone to his knees. HR Gokhale, Union Law Minister, perhaps forgot to correct Article 74 of the Constitution reminding us of the existence of the Council of Ministers. Despite the retrospective 38th Amendment made on August 1, the proclamation still remains illegal.

There is need for amendment in the connotation of 'satisfaction of the President' on two grounds. Firstly, as stated in layman's language, whether the President is satisfied or not satisfied, once the order is issued by him, it will be considered to have been issued after his "satisfaction". Secondly, no court of law will have the right to go into the question of "satisfaction" of the President. It may be added that the 42nd Amendment of the Constitution effected during the Emergency also makes the advice of the Council of Ministers binding on the President. The Council of Ministers has not been dispensed with, thanks to the system. The Prime Minister otherwise enjoys dictatorial powers so that in effect, the Council is under his thumb.

This way, Mrs Gandhi concentrated all power in her own hands. She could in practice now ignore the Council of Ministers and by law ignore the Head of State in all state matters.

Next in the line comes the Defence of India (Amendment) Act 1975 which had been issued a day earlier. This makes it possible for the government to arrest people and run the Emergency administration as per the wishes of the Prime Minister. It is worth mentioning that the Defence of India Act is nothing but the same, exactly the same as that which used to be taken recourse to by the British government and which was opposed tooth and nail by the Congress leaders. This has continued till today and yet we claim we are a free nation.

The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1975 (COFEPOSA) as made applicable on 1st August 1975, sought

(a) Such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are (i) Vague, (ii) Non-existent (iii) Not relevant, (iv) Not connected or not proximately connected with such person or, (v) invalid for

any reason whatsoever

Here also the satisfaction of the administrator arresting a person would be final and will not be questioned in any court of law as per the Constitutional Amendment. The arrests may be arbitrary, but cannot be questioned. This sets fire to the spirit of the rule of law merely on the one-sided plea that government cannot decide a thing wrongly; Parliament cannot pass an Act wrongly, the judiciary or the people, however, are almost always wrong.

The Kerala Legislative Assembly (Extension of Duration Act), sought to extend the life of the Assembly, although its term had expired, the extension being actuated by the motive of prolonging the lease of life of the pro-Congress coalition government. Similar extension was denied to, for instance, the Tamil Nadu Legislature, where an anti-Congress DMK government was installed—in fact its tenure was cut short. The Gujarat government suffered the same fate.

To cut it short, during the Emergency 150 Acts were passed. Out of these, I challenge with full consciousness, not a single Act really dealt with the amelioration of the ills of the down-trodden masses for whom this Emergency was supposed to have been declared. The Constitution, during this period, was sought to be amended a dozen times. Each time the purpose was acquisition and accumulation of greater and greater power.

Then started the most dangerous phase—that of scuttling democracy itself—of enlarging the list of the Ninth Schedule of the Constitution. In the Ninth Schedule are included those Acts which cannot be questioned in any court of law. The main purpose of this Schedule is safeguarding the interests of the tenants under Land Reform Acts. There were sixty-six such laws already which related to land reforms and were protected by the Ninth Schedule before the Emergency. This list now began to swell further, without keeping in view the normal norms of protection of the poor people. On May 21 1976, with one stroke as many as 64 laws were brought under the purview of the Ninth Schedule. This included even the Press (Objectionable Matters) Act, Election Laws Amendment Act and some Constitutional Amendment Acts.

By-elections were not held during the Emergency, because one election in UP despite the suppression of voters by the

police and the Emergency circumstances, had dealt a stunning blow to the Congress. This election was not allowed to be reported. There were forty-nine seats vacant in the Bihar Assembly which remained vacant during the Emergency.

Eleven vacancies in the Lok Sabha were also not filled. But vacancies in the Rajya Sabha were filled because the Congress was sure of its victory there, thanks to the method of elections and composition of the electoral college favourable to the Congress. We have already mentioned the extension of the life of the Lok Sabha and other Assemblies and the Act relating to pensions for MPs. There was loud thinking too in Parliament on the issue of the compulsory sterilization laws. The notion of direct election for the Prime Minister to make her more powerful was being circulated by Congress sources through seminars and pamphlets. There was no response favourable or otherwise from the people who had in fact lost interest in the publicized politics. Those who did talk were hardly well meaning. Note how Congress President DK Barooah had projected the She Tughlaq of India as a symbol of Indianhood without whom India would be meaningless and again later note his silence which indicated his certain opposition to Mrs Gandhi. Such were the people who in those days were befooled by her and who in turn befooled her further. She, however, always remained under the impression that only she was always right, that she could do no wrong.

The already quoted "soft state" theory of Gunnar Myrdal was very much applicable to India, and more particularly so during the Emergency. Laws, stringent laws, and still more stringent laws were being manufactured by the factory called Parliament, spreading and creating the hypocritic impression among the people that the Emergency was the reason why India had fought for her freedom. What was there really in elections, democracy and talk of a free Press and the freedom of speech and other fundamental rights? A plan was announced for effecting prohibition "shortly" in India, and from a particular day all clubs were reported to have gone dry. No club ever went dry. The 12-point prohibition plan remained a nice job of paper work. There were 1,50,000 petitions pending decision in the various high courts. The propaganda was that the Emergency had solved the problem. There was then talk of free legal aid to the poor. No poor man ever got any legal aid. Lakhs and

lakhs of rupees were spent on such propaganda at meetings of Youth Congress and Young Lawyers Associations and what not, but nothing came of them although large sums of money were collected—money from the people and the government for arranging this free legal aid to the poor. Such laws and such propaganda only hoodwinked the masses.

A ban earlier imposed on company donations was lifted to suit the Congress Party. As reported by Home Minister Charan Singh, not less than Rs 900 crores were collected by the Congress, a good amount of which went into the personal coffers of those managing these affairs. It is significant that no law to check corruption was made effective.

In Sweden there is a provision by which the Attorney General can go into cases of corruption by highups—why shouldn't such a provision have been added to our Constitution?

Bills, acts and ordinances were never seriously meant to be implemented. On July 28, a scheme was evolved to ensure that manufacturers put price tags on all packed items. A similar scheme regarding the putting of price tags on retail items had already failed because traders had taken the opportunity to print exorbitant prices and had in the name of the Emergency charged customers even more than usual. The fixing of a prescribed profit margin was not taken seriously. The only reason for this could have been that any laws which effectively lessened the margins of profit of traders and businessmen proportionately lessened the take of our ignoble leaders running the Emergency facade who could not possibly then have received the large donations they were now getting towards both Party and personal coffers. Policemen and the Youth Congress—upholders of the law—prospered with the display of prices too—lapses and cooked up infringements of these laws led to bribes and much palm greasing. However, having already discussed the infamous MISA we shall now only go into the notorious 42nd Amendment.

The Janata Government is going to engage itself presently in rescinding this Amendment. But it needs support from the Congress (which is in a majority in the Rajya Sabha) to adopt another Amendment with a view to annulling the 42nd. Most of the provisions of the 42nd Amendment are likely to go. Still a study, perhaps in retrospect, will be appropriate in view of

the probe that we are making into the causes and effects of the Emergency. This one Amendment of the Constitution is the most crucial act of the Emergency administrators. It is also the most crucial Amendment since Independence.

The 42nd Amendment also displays the climax of hypocrisy that had been the cardinal note of Mrs Gandhi's and her government's existence throughout the period, particularly after the 1969 Congress split. Since 1969 she had no cause to fear any experienced elder statesman, for these older denizens of democracy, demanding and exacting, whatever their personal faults, were a means of checking any kind of unbridled power. The communists with whose support she stayed in power in 1969 and afterwards had a formidable influence on Mrs Gandhi and once a seeming rightist she now seemed to veer to the left, supported by their votes. Like Mussolini she never believed in right or left—all was well if her seat was secure. Towards the close of her term, this woman had completely shed all semblance of shame in order to stay in power. Posing as the saviour of the poverty stricken people of India, she was in effect strangulating them.

A clause-by-clause analysis of the 42nd Amendment will show that most of the total of 59 clauses were politically-oriented to reduce the individual self to becoming a serf of Mrs Gandhi who in the 1970s wanted to be the "landlady" of the 1770s. The people who were taken in by her propaganda thought they were sacrificing freedom for food. But they got neither. I wrote an analysis of the 42nd Amendment for a Delhi newspaper and after the publication of its first instalment the censor quite plainly told the editor to suspend its further publication for the government did not want "the people to know that in the 42nd Amendment of the Constitution there is no offer of any economic gains to the poor." Clause 1 and Clause 59 give wide powers to the executive to implement the Constitution as and when it wanted and even to amend it (59) without prior reference to Parliament if it so desired within two years of the enforcement of the Amendments. Mrs Gandhi had no doubt at the time that the Congress would retain its power, the only other possibility being, perhaps with a reduced majority. The new Parliament, therefore, might not allow her to further curb liberties. If the need arose, she could

ask for more amendments arbitrarily to tighten her grip. She was unable to foresee the revolutionary March 1977 elections and so could never imagine that she was also, at the same time, giving powers to her enemies in the Janata Party to amend the Constitution under Clause 59 without Parliamentary interference. But marvellous as it may seem the Janata Government is not willing to resort to this "undemocratic" clause called the "difficulties" clause, so was I told by Atal Behari Vajpayee. I wrote to Law Minister Shanti Bhushan on the subject, but he, too, appeared to be ignoring my pleadings for the invocation of Clause 59.

Coming to Clause 2, the Preamble was amended to define our Republic with two more words "socialist" and "secular" inserted in between "sovereign" and "democratic". The original Preamble was signed on November 26 1949, and stated, "We the people of India this twenty-sixth day of November 1949 do hereby adopt, enact and give to ourselves this Constitution." How can you in 1977 claim that we had given to ourselves this Constitution today from a day back in 1949 when some of us were not even born politically. For that is what the recent Parliament did, by its the manipulation of the sacrosanct Preamble retrospectively.

The words "socialist" and "secular" were discarded by the founding fathers. "Socialist" was found to be vague. Despite the socialistic trends in Congress thinking since the 1930s, the Party had not been able to include the word in any of its policy documents. It was only at the Avadi session in 1950 that instead of "socialism", "socialistic pattern" was accepted for the sheer vagueness of the former term. The father of Indian secularism, Jawaharlal, had himself resisted the inclusion of the word "secular" in the Constitution, for its actual connotation is altogether different from its meaning as it is understood in India. The fact is that India has numerous religious minorities and variegated castes, and their protection in the face of the dictionary meaning of secularism becomes impossible. Different courts will interpret differently the meaning of the word at different times. By secularism what we mean perhaps is religious impartialism which will not be understood as secularism in other countries. Clause 3 of the Constitutional Amendment Act seeks to add Article 31A which is one of those few

and far between directly falling in the realm of economics. This Article makes it clear, contrary to the professions of the Congress, that property rights will not be terminated. I do not raise any objections to this new Article, except that it goes counter to the claims of the so-called progressives. It goes counter to Congress policies too. Otherwise, in the absence of adequate provision of old age benefits, medical facilities, free education and unemployment doles, the existence of the right to property is perhaps the only solace to the individual in our society who does not want to relinquish the right to property.

The Directive Principles of State Policy are only a thinking aloud on the part of the State wishing to endeavour to give something to its citizen in the future. As a price, the Directives are sought to take precedence over the already given fundamental rights in the newly amended Constitution. It is an upside down plea to the citizen to accept that "a bird in hand is worse than two in the bush." There appears to be no sense in the amendment dealing with Article 31D connected with anti-national activities. On the pretext that some people were indulging in anti-national activities, the Emergency was imposed and political and even social activities were banned. There is one sure evidence of a particular party being aided by Russia, not as an isolated case of help by a foreigner to an Indian, but as a known policy behind the slogan "workers of the world unite." In the face of this, a ban on different other parties is sought by supporters of this party in the same fashion as the shoe may be ordered to be put on the other foot. A government by any political party must not be vested with such rights by way of constitutional command. A party is partisan and the Constitution belongs to the whole nation, the whole future, the whole of posterity.

Free legal aid to the poor, as per Clauses 7 and 10, is as much a misnomer as is the idea of free education and free medical aid which are claimed to be very much being provided by the State, the less said about it the better. The quality of such aid, coupled with our corrupt approach and the huggants' intention to beg or borrow to hire better private services, makes the whole law infructuous. The new duties incorporated in Clause 11 of the Amendment are either laughable like the sermons of religious preachers or impracticable or too vague to

be understood or accepted. Duty No 4 enjoins the citizen to prepare himself for national defence when needed. Even the British Government was never called upon to order conscription, firstly because the law is too undemocratic and secondly because there is, even without a formal order, an abundant supply of soldiers, which was available even to a foreign government which used this force as cannon fodder. The duty therefore becomes a superfluous enactment. Let us now jump to Clause 14 which disentitles the courts from calling secret files as evidence. The provision has a background in Mrs Gandhi's case which was weakened because of the issue of the secret blue book having been consulted by the courts during her election petition. Another secret is now out. Mrs Gandhi, an unconfirmed report says, had entered with Mujibur Rahman of Bangla Desh into a secret pact* that not a drop of water of Farraka water would be used by India. If Mrs Gandhi has committed a heinous crime like this and then in her speeches blames the present government for delaying the solution of the Indo Bangla waters dispute and then the Constitution bans the producing of secret files in courts, the power of the courts is unduly curtailed and the right of the citizen to prove his point is unduly throttled. Clauses 18, 22, 31 and 34 relate to quorum in legislatures which we discuss elsewhere. Sections 19, 22 and 23 explain the office of profit, disqualification of a Member and the waiver of such disqualifications. These Clauses were introduced as a lesson from Mrs Gandhi's election case. The verdict of the court was not acceptable to her but now the verdict against her has come from the people who have created history by defeating an elected head of government for the first time anywhere in the world. Powers of the courts have been curtailed by Clauses 23, 24, 25, 38, 54, 55 and 58. Financial powers of the President and the redrafting of the powers of the Comptroller and Auditor General also have a background in Mrs Gandhi and her close Cabinet Members raising their eyebrows at questions from the Comptroller and Auditor General in a few cases of unduly excessive expenditure made by them. The President's powers were curtailed by Clause 13 on similar grounds, for Mrs Gandhi wanted for herself more powers than those available to even

*Report by *Indian Express* dated September 16 1977

dictators. There were amendments as to the privileges of Parliament and other legislatures, the duration of the Emergency, inquiry against government servants, armed intervention by the Centre in states without their consent, all these clauses, as readers now realize, deal more with the acquisition of power by the executive for suppressing freedom than they do with entitling the citizen to demand food from the rulers.

Instead of taking up measures uselessly like this the government ought to have as per its promise gone in for amendments in the election law to accomodate the opposition point of view. The first and foremost need in this connection is that voting be made obligatory for the voter. The present system has injected lethargy among the electorate, so that no more than 44 per cent (the average of the past elections) cast their vote. Calculating the strength in the electoral rolls which is not more than 50 per cent of the total population and the ratio of the electorate actually participating in elections and a further proportion of those voting to elect the ruling party, we come to the woeful conclusion that only 11 per cent of the population in reality elects the most representative party or a coalition of parties to rule. This phenomenon is not the exclusive bane of India. In every body politic, where "past the post" system of elections is employed, this situation has to prevail reducing the governments especially in developing democracies to a shambles and resorting to Emergency at the slightest provocation. Compulsory voting as in Australia, raises the prestige of representation and no one has the cheek to say that the majority has not elected the government now in power. The mere absence of the voter from the polling booth cannot be construed to mean his neutrality. He can very well go and cast his neutrality, too. A candidate will enjoy more respect if he is elected by a greater percentage.

In France a further improvement has been made whereby, for instance in the Presidential election, only that candidate is declared elected who gets at least fifty percent votes. The procedure of elections in the case of the leaders of England's Parliamentary parties is also the same. This is achieved by way of the repeated ballot system. This ensures the candidate's representation by at least one vote more than half the population in the constituency actually voting. To lend credibility to the elected post, our system therefore needs transformation.

The Emergency has taught us another great lesson, that the judiciary could be undermined at the will of the ruler. The centuries old concept of contempt of court also underwent new connotations. If a Prime Minister is declared to have been wronged by the judiciary, hired *goondas* can hurl abuses on the judges and get away with this illegal act. That 'the Prime Minister is above the law' is not stated anywhere in a straightforward manner. The Prime Minister orders Parliament to say so. And those who do not agree are arrested.

Thus Parliament will sing the tune that the 'Prime Minister is supreme' and the Prime Minister in turn will propagate that 'Parliament is supreme' and in the process democracy will go to the dogs. Parliament will virtually mean the PM. It is noteworthy that when the idea that 'Parliament is supreme' was being propagated during the Emergency, another idea also at the same time was being given respectability and that was that elections are not a basic necessity in a democracy. In an interview with Japanese National Television on May 28, 1976, Mrs Gandhi had said that "democracy is not just a matter of elections." * After liquidating opposition members, liquidating opposition parties and liquidating the very idea of elections, another deceitful step was taken—that of extending the term of the present Parliament from five years to six years so that the supremacy of the Prime Minister was also established for a longer period. The authority of the President was also undermined by an Amendment of the Constitution which made the advice of the Council of Ministers binding on the President. And the Council of Ministers was composed of those pigmies who however much Mrs Gandhi could trample under her feet, would still rise and pay homage to the leader who had provided them with such "exalted privilege" as allowing them to stay under her godly *charan*†.

The only other authority that could raise a voice against injustice under the Constitution was the judges. We need not go into details as to how they too were brought in line but still there were some, a very large number, in the high courts who told the government plainly that it could not just throw the rule of law out of the window. It was quite a different matter that

* Reported in the Indian Press, on July 7, 1976.

† Feet.

with the help of the army and the police, the Emergency was still being sustained. The argument during that black period of 1975-76 as advanced by the rulers and their henchmen was that judges were not elected and therefore could not enjoy supremacy over Parliament.

When during the Emergency the judiciary was being relegated and in some cases implicitly disobeyed, the people were forced to obey the orders of the police although police officers are never elected either. The moral is that the authority of any appointee of the government is the authority that the government itself wields. If the government urged the people to disobey the judiciary, the people urged each other to disobey the police and other government wings, and there was a state of chaos. The ordinary laws failed to have an impact because the implementing authorities had become corrupt. Extraordinary laws, in some cases extra-constitutional too, were brought to the fore so that the rider at saddle of power did not fall down to the ground with a thud. It has now come to light that our Constitution is too elaborate, too specific and generally inflexible in interpretation. Mrs Gandhi used the available flexibilities to tilt meanings in her own favour and broke the rigidities with a stroke that broke along with the Constitution the total spinal chord of democracy. Amendments once again to undo the harm already done are therefore imperative now. While amending these laws again the basic structure should be made so basic and rigid that it cannot be changed again. "Basic structure" like "natural justice" need not be defined. The American Constitution is so rigid in letter and so flexible in spirit that the judiciary has always culled the right and changed meaning according to the need of the changing times. This Constitution or the rigid Australian Constitution or, for that matter many other Constitutions of the world, were framed by their forefathers whose thinking naturally could not be as modern and progressive as that of the present generation, yet the Constitutions are sacrosanct, because of the flexibility that is evident in their different interpretations from time to time in spite of their rigidity of the procedure of amendment.

For attaining the desired flexibility in meaning as an example we can take the Preamble, talking of liberty, justice, etc. The judges even without a proper definition available to them, are

clear in their minds as to what justice means, or what liberty means or what equality or fraternity means although they may not be able to define socialism. The sovereignty of the people in the first sentence of the Preamble is meaningful. Under a flexible interpretation Mrs. Gandhi could be denied her divine right to rule. If the Constitution has only a structural outline, it can still serve the purpose along with the laws of the land, framed day in and day out, provided the laws are not allowed to be made to benefit the law makers as Mrs. Gandhi did or as the Members of Parliament unashamedly did when they voted enhanced pay packets and life pensions for themselves even after relinquishing office on the completion of their terms. It is a bad law if it has self aggrandisement, as its purpose. That is why some Constitutions, including the American Constitution, forbid the making of laws for the benefit of those who make them.

A re-thinking on the Presidential office is again the need of the hour. Then, the concept of quorum has also to be reviewed. Unless an Act of Parliament or a Resolution and for that matter the Acts of State Legislatures, are discussed and supported positively by one hundred percent of the Members, they should not be thrust on the whole population. This is easy to achieve. The quorum can be fixed at 100 percent. The Members, who milk the exchequer and who want to burden us with personal demands during and after their terms, who want their fixed quotas of the best *ghee*, the best accommodation, the best medical aid, and the best travel facilities along with a goodly amount of respect and credence, should in fact spend their time in formulating policies and not in enjoying themselves living on the fat of the land. The only plea against such a high quorum is that Members' personal exigencies can sometimes stand in the way of high attendance. In that case we can have standby Members. Such secondary Members too can be elected. They may act, if selected properly, as experts in various fields, to guide the Members.

The manifestos of parties make tall promises and these must also be controlled. If they have legal sanction, the parties will behave with responsibility. Like the Assurances Committees of Legislatures we can have Committees to look into manifestos also. The independence and separation of powers has been further elaborated in my earlier book *A Scheme for Ideal Elections and*

Separation of Powers in Developing Countries I have pleaded that Montesque's theory is now outmoded. Montesque could not have conceived (in the then recently released sovereignties from the monarchs' clutches) of more than three wings of power needing independence—the executive, the judiciary and the legislatures. Now we find that in the changed context the election machinery, publicity media and the office of President have also to be separated from and made independent of the others. The executive is the Cabinet alone and the President has to act as the coordinator of the activities of all the wings. The President, in the present form, is redundant—he is a useless part of the executive. This position must be cleared. We have already discussed how harmful the system of selection of the Cabinet from among the elected Members has been proved. Such Cabinets and such Members as have the hope of the bait of some office (even once during their tenure) from the Prime Minister necessarily become subservient to him. The Emergency ills could have been positively eliminated had this system not been there and the Members could call a spade a spade. The term of the Cabinet or even the elected representatives must also be legally limited to only one to prevent corruption. The representatives are given life pensions and in return they are expected to be completely honest. They must offer themselves for severer punishments when found guilty of malpractice—instead they have become poachers and looters during their elected terms. Over and above that, the election procedure must be changed to turn into an expenseless affair*.

To avoid expenditure, not only is financial help from the government needed but the newspapers can by law be forced to allow free publicity like government media to candidates on the basis of equality on the American pattern where space and time are allotted to all. There the candidates pay for this†. Here it can be made free to recognized parties or candidates. Then all posters, meetings, even personal canvassing, can be banned altogether to drive extensive expenditure and acrimony out of the

*Read the IFES Scheme in detail from the above quoted book which also has been repeated in *Elections and the Constitution—the Question of Amendment*.

†America's privately owned TV has to offer time equally to all candidates. They cannot by law ignore one at the cost of the other.

election arena. These as also a few more steps have to be taken before we can secure our democracy from being thrown into an Emergency situation again.

So, any scheme making elections cheaper, or even perhaps completely expenseless, can eradicate corruption from our system. The well known majority method of elections can suit only two-party legislatures but no developing democracy will ever be able to have a two party system. Because of the multiplicity of problems and the multiplicity of ways and means to solve them, the multiplicity of opinions and multiplicity of parties become an essential precondition of a polity like ours. Still the present regimes probably find the method rather convenient, because the bifurcation of votes among numerous parties ultimately keeps the bigger parties in power. They therefore show resistance to changes. The same majority election procedure at the time of the making of the Constitution was also found feasible for two reasons. One was the fallacy of the two-party system which apparently India had. The Hindu Mahasabha and the Congress were the only major contenders for power in this part of the country after partition. The Socialists and many regional parties were members of the mother Congress and were of no consequence at that time. The CPI and the HMS were in fact inactive. Because of the former's participation in the Telengana revolt and the latter's alleged role in Mahatma Gandhi's murder, and the resultant restrictions, there was almost no party to face the Congress. The method of election was therefore unimportant to the framers of the Indian election laws. The second reason was that the simple majority election procedure had been adopted even for electing the Constituent Assembly. The legitimacy of the Assembly and the method would have been at stake if any new procedure was contemplated. Now there seems to be *no alternative but to change the law to drive out of the system the notoriety of corruption.* The Janata Party's birth may be a saving grace but for a temporary period. When the system gives you a chance to go corrupt, you cannot avoid being affected. There may be any explanation for the collection of huge funds by the Janata candidates during the March 1977 elections, the word has already got round that the coffers were far heavier. They have been digested due to the enthusiasm of the people. Small fry like Vijay Kumar Malhotra, former Chief Executive Councillor

of Delhi, was reported to have accumulated about Rs 15 lakhs. Whosoever might have been the beneficiary—he himself, his party or the RSS—the loser is the electorate. The voter is conscious of the fact that next time the Janata Party may not have such smooth sailing. So, we must not depend on chance. The system must provide us with a clean set of rulers. Probably the Nepalese system or the Indian Panchayat system by way of which Panchayats elect District Bodies and they in turn elect State Assemblies which can become electoral colleges for the apex body called Parliament, can suit us well. If publicity and expenditure are banned the small voters constituencies composed of as little as even a hundred voters will involve no fresh introduction of candidates to the electorate through any sort of posters or platforms. The already known candidate just comes out and faces the already known voters who through a show of hands or secret ballot elect him, or reject him, without spending even a penny.

An argument often advanced against this system is that even Panchayat or Block Samiti elections in India have not been free from monetary corruption. Palms are greased and people are bribed extensively. The argument, of course, seems sound but is a little misdirected because the thesis we are building is on reformation of a system and not of the individual character which no doubt has degenerated a lot and also needs correction. On the same analogy you can't refute the plea that canned or bottled milk is more hygienic and has less chances of adulteration than that sold from open drums, despite the valid argument that seals can be broken and cans can be unhinged and repacked clandestinely. What we are aiming at is the obliteration of the need (repeat need) of expenditure on elections. In the present system the candidate is somehow forced to indulge in a kind of competitive spending. His rivals spend, too and he has perforce to out spend his rival's.

The trouble had started when only the rich people in earlier days were allowed to enter the election arena for the franchise was limited. The class of tax payers or the educated ones who were rich alone had the right to fight elections in olden democracies like the UK, France etc. Hence this morass created by the back crushing expenditure. Now when the franchise is universal and elections touch even the lowliest man the system needs a

drastic revision.

The problem is just like a dowry custom which has its origin in the hoary past, when marriages became sophisticated from out of the ritual of stealing women and property of the vanquished tribes by the victor tribes. The rich could afford in the new system called marriage to give dowry liberally by an agreement. This included a woman and some cash and jewellery. The poor too had to mimic this kind of practice because others did it. This system goes on even today. Nobody asks why it is necessary. They only go by the usual practice of spending in competition. But, dowry is a personal affair, while elections are a national problem. Here the rulers ought to take the initiative and clamp a ban on all types of expenditure.

Until today we have been creating a situation where during elections the most "advantaged" man in every democracy is asked to compete with another most "advantaged" person. Society has been clamouring to provide to the candidates only the maximum advantages—of money particularly. Let us change the concept of society and let the most "disadvantaged" man (shorn of all monetary privileges) compete with another most "disadvantaged" person, socialistically speaking.

Then the incumbent's relatives must be treated with a positively non preferential bias so that they do not take advantage of a position which we propose to give to our representative who has to be heaped with all the best amenities of life available to us. Therefore, the relatives must undergo a special scrutiny for drawing State benefits. They must be required to file an affidavit to the effect that the advantage they seek is purely on merit. While there may or may not be justification for reserving quotas for the backward classes (this to my mind is casteism which is surely an anti secular and anti socialistic provision), there may be a residue of gains accruing to a politician's relatives only when the last of the citizens has been given his share. The candidate before filing his nomination must be enjoined upon to declare his assets and liabilities as also those of his near relatives, as far as possible, so that he can be easily hauled up not for drinking alcohol in public but for corrupting others by his corrupted philosophy.

Our real motive thus is to place deterrents in the path of office seekers so that politics, as it is known today, does not

remain the scoundrel's game but a superman's resort. And the need to keep oneself in power does not send one to the limits recently set by Nixon in the USA and Mrs Gandhi in India and also the need for dicto-democracies becomes extinct.

But enough of theory. Practically speaking, we haven't the power, in spite of Mrs Gandhi's family planning programmes, to prevent the birth of undemocratic monsters like Nixon and Mrs Gandhi, who despite claims to the contrary obviously seek to be dictators of one kind or another. I have my own method of looking at things. I have consulted experts on genetics, I have consulted psychiatrists, but I have only a vague answer to the recent Emergency rule in India. The psychiatrists agree with me that dictators are normally of underdeveloped minds, the successful dictators being merely those who are never found out throughout their lives. What after all is this hunger for accumulating more and more money and power? And why are some so avidly lustful for sex? It is these weaknesses that make a person corrupt leading to the quest for more and more power too, to fulfil these other urges. I recall reading about the Kotwal of Delhi of Ghalib days. Do you know who he was? He was one of the great-great-grandfathers of Sanjay and Mrs Gandhi, one of those souls not too pious in matters of sex and money, and genetically speaking, these are inherited traits, inherited from one's maternal or paternal ancestors, however far removed. Power with the mother and son was only a means of achieving more and more wealth, and that is why Mrs Gandhi was hungry for the power without which all her ill gotten wealth would have by its very existence exposed her. She could trust no one else to be Prime Minister. Jagjivan Ram as Prime Minister would not have remained loyal to her; SS Ray was not acceptable to many Congress leaders, Swaran Singh was not acceptable to Bansi Lal, Bansi Lal was unfit for the job because of his rough exterior; Shukla or Om Mehta though subservient were young—as young as Sanjay. Why not then have Sanjay as the next Prime Minister? These were the thoughts causing concern to Mrs Gandhi. The Communists were there to back her through the USSR—a country known for using all sorts of dirty means to topple governments, to entice them to declare a state of Emergency.

Such emergency-loving governments leave no stone unturned

to prove that real democracy lies in real dictatorship, and this is what Mrs Gandhi did. But a time came when the communists began suspecting Sanjay of being a CIA agent. They objected to his being projected for the future post of PM, for in him they read the signs of their own destruction. It all became a nightmare for the communists who were in turn able to convince the Russian regime which turned suspicious and, as a natural corollary, hostile. But this fact could not be propagated. Bureaucrats in some cases, on encouragement from Sanjay, tried to tell Mrs Gandhi that she should not rely on Russia and its trade completely and blindly. She now wanted to shift her loyalties, for she began to realize that Russia, which offered help in the event of war only, could not be as valuable as the USA which would come to her rescue during peace time, too. But then the new American regime would stop all aid unless Mrs Gandhi declared that she was against suppression of human rights. She could exhibit her love for democracy only through ordering elections—such elections as would not subvert her aim and would not stand in the way of Sanjay being installed. She proposed to give party tickets to the immature, young fellows but not to the old “arrogants” so that if elected, youth would vote Sanjay to be their leader in the Lok Sabha. And according to her near and dear she would certainly remain at the top. But Jagjivan Ram destroyed her plans. It wasn’t for love of democracy and democratic ends that she declared elections. Without the unavoidable electoral activity, she would have lost power completely as it was too crude and impossible a stand to seize complete power without even the semblance of elections—as crude and impossible as a victor country retaining the captured territory of a vanquished enemy after the declaration of peace in the liberal and progressive world of today. Hence the facade of elections. But she was caught in her own trap. And now, I warn you, in all seriousness that she is trying to lay another trap for the people of India. I warn you again—beware! If by freak of politics she comes back she will impose the so called constitutional Emergency once again—this time perhaps with the help of a stronger army base—although she herself would meet the fate, ultimately, of Hitler on Mujib and the country could go the Pakistan or the Bangla Desh way. This is the heinous woman! But how can we escape the reimposition of the heinous Emergency?

Any other future Prime Minister of Mrs Gandhi's mettle in her circumstances, genetically and psychologically, as explained above, could also prove that Emergency rule, that is, dictatorship, is good for the country, and like Nixon of America, would certainly make an effort to fool the people into wanting to *elect* a dictator

But even if the mass of the Indian populace were enamoured of the Pakistan polity or that of Burma or the Bangla Desh rule or any system other than the democratic one, why should they of all people choose only Indira or Sanjay ? Why not the Army or the Air Force chiefs ?

After all why is it that some people still express a preference for dictatorial or Emergency rule ? Perhaps they feel that the implementation of law is possible only under a dictatorship. This is because they cannot conceive of democracies which can enforce law, where redundant laws do not exist. They do not really want Indira's or any other style of dicto-democracy. In fact, they abhor dictators or autocrats but they also want the law of the land to be followed and they detest the ruler who would allow too much liberty and that too to those who would take it as licence to destroy the liberty of others by taking the law into their own hands. They would not welcome or even want Mrs Gandhi taking the law in her own hands and they realize this but do not have words to express that what they really want is a democracy wherein laws are respected and effectively implemented—and not a dictatorship at all

Mrs Gandhi was able to convince the citizens of India, at least for a temporary period that the laws of the land, including the Constitution of India were entirely bad. They forgot to ask her if these laws were not bad before June 12 1975. Wasn't it on the strength of those very laws that she had snatched all power and concentrated all sovereignty into her hands? The so-called wonderful decade of her rule, wasn't it under the old laws? When Mrs Gandhi took it upon herself to destroy the old laws to be replaced by the new ones of her fancy she was spared. But the majority of the people no longer loved her—she destroyed herself and the country's democratic heritage at the same time—this happened because she removed the good things in the existing Constitution and took recourse to the bad part of it. It was like a snake she captured but allowed it to coil round

her neck to strangle her. She was hoist with her own petard. This is sufficient for us now to decide that we do not need governments which are destroyed so unceremoniously. When Hitler was removed from the scene, the Germans adopted a Constitution and the fundamental rights of liberty and equality which for generations will not be allowed to be amended. They had tasted the bitterness of dictatorial rule despite the dictator's claim that the country could progress under dictatorship alone.

When I say that we should revert to the pre Emergency days and annul all Emergency laws, I also want that those weaknesses inherent in the pre Emergency administration of laws and those weaknesses of the pre Emergency Constitution which enabled or lured a person like Mrs Gandhi to snatch our liberties and which allowed her to ignore the goodness of the institution called the rule of law should all be erased from the statute book. My logic is simple. The Janata Party must tell the people that their ailment is not democracy but the non implementation of laws and the implementation is possible only in a democracy and not under a dictatorial rule because a dictator becomes selfish and does not implement the written law but the one that is his own interpretation of it. Some times it can be good but more often it is not as history has taught us. Soon off goes the smoke screen of prosperity that the dictator builds around the chaotic conditions prevailing in the country. And when the people are asked to participate in a referendum to re elect or reject that dictator at their free will they opt later on for rejecting him. The same will happen in Russia perhaps if free elections are ordered there today.

When the people say Mrs Gandhi was better than the Janata leaders they do not want her kind of force to be used on them. They do not want to be sterilized forcibly despite the fact that planning a family is good. They do not want their houses to be demolished despite the fact that they realize that it is bad to encroach on government land. Similarly, they will not want prohibition to be imposed despite the fact that drinking alcohol or smoking tobacco is bad. They might even want a reformed Mrs Gandhi (which is an impossibility) to rule them. They would like to be given a chance to understand the real meaning of family planning. They want to be told at the time of

of land encroachment or a little later, that they have done something bad. They do not like it when after 30 years of continued encroachment, one fine morning some mad official comes and destroys their homes and hearths telling them that their fathers had made a mistake in constructing a building without prior sanction. Ultimately, the citizen wants that the government must be ever vigilant and not act like a patient of epilepsy who shows his worthlessness only by fits and starts.

We have probably unhinged a vicious circle. Its circumference with all the tangents explained lies bare in a straight line like this

Firstly, the laws are too many, and not properly written and whatever is proper is not being implemented properly. Secondly, the laws are not implemented because some benefits can accrue to those who ignore the laws. The citizen who ignores and the bureaucrat who allows them to be ignored are both rewarded. It is, for instance, not only the *bania* who is an enemy of the country when he indulges in economic crimes like the non payment of all kinds of taxes and social crimes like adulteration of consumer goods. It is the income tax officer, sales tax inspector, sanitation staff, all employees of the government who are benefited. If the rulers think that good sense would prevail on both one day merely by sermons, they are living in a fool's paradise. The fact is that at the time of elections, the *bania* had helped the ruler who now rules over the *bania*. The ruler encourages the bureaucrat who is under him to take bribes but not to disturb the *bania*. Thus the ruler, the bureaucrat and the *bania* are in connivance with each other bent upon looting the commoner. The Constitution has separated the powers of the executive, the legislators and the judges. When the legislator is in connivance with the executive, the judge need not come into the picture at all. Where is this facade of separation? Where are those checks and balances which political scientists talk of so loudly? Nowhere, and during an Emergency not at all.

So, that is what I have pleaded for in the preceding pages, that the concept of separation of powers needs transformation. An independent body of persons, who have never held any post in government or in a legislature or as members of the judiciary or who will never hold such a post in their lifetimes, need to be

appointed as members of a committee which should be ever alive to the question of separation of powers. That is what perhaps without spelling it out properly, Loknayak Jayaprakash Narayan wants under the name of vigilance committees. His vigilance committees come into play only when the horse already is dead and the vigilance people are asked to flog it. My vigilance starts before the birth of the problem itself.

This brings the readers to the next and third stage. The bad laws, or non-implementation of good laws, have given birth to corruption which is a postulate to the so-called black money, the so-called hoarding habit and the consequent dearth of goods, resulting in rise in prices, shrinking of purchasing power and affecting production which raises the demands of the labour. Unfulfilled demands cause restlessness, agitations, affecting adversely also the productivity, leading to all round decline in the economy. The corrupt *bania*, the corrupt bureaucrat, the corrupt ruler, all do not inspire the awe of the citizens. The rulers lose confidence needed for ruling. They fight wars as a means of hoodwinking the people to sustain their interest in their rule. They thus draw artificial awe and sympathy. They expand their territory and tell citizens this is being resorted to for their benefit. When there is nothing like this to resort to—I mean threat of wars or hope of expansion—they frighten people by various means or lure them into bringing the same rulers into power again. Finally, fed up by the realization that the people will revolt they try to suppress them. Further realizing that while suppressing them they are inviting the wrath of the common man at large and that they may be attacked one day they cordon themselves off with the help of the police and the army. When the agitations take a more serious turn, they impose stricter rule—Emergency or even dictatorship. Because dictatorships are not possible forever these rulers give as a bait to people a right called the ‘right to vote’. The method of election is theirs and only for them to come into power again. Therefore they are sure that if they come into the arena of the polls with all the money of the *bania* to back them, they will never be defeated. Like this the vicious circle moves on and on and on for years, until the time again comes when the patience of the people is exhausted and they rise violently or non violently and snatch power, amend the rules

and establish the rule of law. The new laws are good or at least better. They are implemented well because the people are well meaning. Corruption is removed. Economy is sustained. There is peace and tranquillity. The people are happy until again disturbing factors appear because of the folly of the rulers, because of their greed, because of their dishonest postures and because of their designs for expansion or because of their weaknesses which are human. And the country gives birth to a Yahya Khan, a Nixon, a Tughlaq or even a She-Tughlaq—of the type Mrs Gandhi was. She posed a problem and the people solved it in the way they have done giving sufficient warning to her successors that they would outrightly reject any State with dictatorial designs wanting only Emergency rule, and will instead establish a democracy wherein good laws can be implemented positively and effectively and with a strong hand. So these successors have to manage properly or else they too will have to go the She Tughlaq way.

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As we go to press, Mrs Gandhi has been arrested for some of her old follies, numerous that they were. And lo and behold, she has been released as well, thanks to the freedom of the judiciary! The people are unhappy and the She-Tughlaq is convinced this is because of her arrest. But no. It is because they feel the Janata Government has been too mild, too generous. Why did it not make a foolproof case against her? Why did it not sew it up securely? Why did it let her get away, out of jail, a free bird, to flutter her wings again and dangle her imaginary 'Emergency gains' all over the marketplace. Here is a case of mistaken impressions. As mistaken as the desire for democracy was misconstrued to be a desire for dictatorship. I close with a warning that the She-Tughlaq will not succeed in her mission to create conditions of civil war which she is bent upon doing. She will fail miserably because she has been found out at last, not for her contemporaries alone, but also for posterity.

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